



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

July 11, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ronnie Arad, M.D.
2061 East Dixie Highway
Aventura, Florida 33180

Ronnie Arad, M.D.
Redacted Address

Robert Bogan, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – Suite 303
Troy, New York 12180

RE: In the Matter of Ronnie Arad, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-122) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

(James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RONNIE ARAD, M.D.

DETERMINATION
AND
ORDER

BPMC #08-122

COPY

A hearing was held on June 19, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated May 1, 2008, were served upon the Respondent, **RONNIE ARAD, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Lyon Greenberg, M.D.**, Chairperson, **Trevor Litchmore, M.D.**, and **Richard Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A, Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent **RONNIE ARAD, M.D.**, did not appear, although duly served. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with

misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous. **Unless otherwise specified.**

1. **RONNIE ARAD, M.D.**, the Respondent, did not appear at the hearing although duly served with process.
2. **RONNIE ARAD, M.D.**, the Respondent, was authorized to practice medicine in New York State on November 18, 1977, by the issuance

of license number 133087 by the New York State Education Department (Petitioner's Ex. 4).

3. On August 27, 2007, a Final Order was issued by the Board of Medicine of the State of Florida, under DOH Case. No. 2006-00333, which Order caused the Respondent to be issued a letter of concern from the Board. Said Order imposed costs against the Respondent in the sum of \$3,000.79. (Petitioner's Ex. 5).
4. The Florida Board charged the Respondent with failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, due to one or more of the following: a) by failing to perform a comprehensive examination or range of motion and specific tenderness of a patient; b) by failing to order an MRI for the patient's left shoulder; c) by failing to order a CT scan of the patient's left shoulder; and/or d) by failing to obtain a copy of the patient's x-ray report from the hospital where he was seen.

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(d) by having disciplinary action taken by a duly authorized disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State,

constitute professional misconduct under the laws of New York State. Petitioner was issued a letter of concern in Florida for failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, due to one or more of the following: a) by failing to perform a comprehensive examination of the range of motion and specific tenderness of a patient; b) by failing to order an MRI for the patient's left shoulder; c) by failing to order a CT scan of the patient's left shoulder; and/or d) by failing to obtain a copy of the patient's x-ray report from the hospital where he was seen.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence. The record in this case indicates that Respondent had been issued a letter of concern from the Florida Board of Medicine for conduct resulting in the Florida Board disciplinary action against Respondent, which would constitute misconduct under the laws of New York State.

Respondent did not appear at the hearing, and the record does not contain any evidence of mitigating circumstances, or remorse. Respondent did submit a letter (Exhibit # A) in which he expressed "surprise" at the harshness of the proposed

settlement offer. The Respondent indicated in his letter that he has not practiced in New York since 1979 and has no intention to do so. He also averred that he is 61 years of age and is approaching retirement and that the instant case is an unusual one and is unlikely to occur again. The Petitioner made no recommendation as to penalty.

After hearing the department's case, and reading the Respondent's letter, the Hearing Committee concluded that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to New York Education Law Section 6530(3) – by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, due to one or more of the following: a) by failing to perform a comprehensive examination or range of motion and specific tenderness of a patient; b) by failing to order an MRI for the patient's left shoulder; c) by failing to order a CT scan of the patient's left shoulder; and/or d) by failing to obtain a copy of the patient's x-ray report from the hospital where he was seen.

As to the penalty, the Hearing Committee determined that the people of New York State would be adequately protected by a censure and reprimand, and a requirement that the Respondent take a remedial course, approved by the Department of Health, in the event he changes his mind and decides to practice medicine in the State of New York.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is censured and reprimanded for conduct resulting in the Florida Board disciplinary action, which would constitute misconduct under the laws of New York State.

2. In the event the Respondent wishes to register to practice medicine in New York State he will be required to complete a New York State Department of Health approved course of Continuing Medical Education (CME) in medical history and physical evaluation prior to such registration.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Albany, New York
July 8, 2008

Redacted Signature

Lyon Greenberg, M.D.
Chairperson

Trevor Litchmore, M.D.

Richard Edmonds, Ph.D.

To:

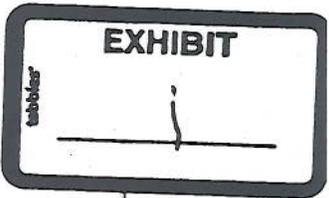
RONNIE ARAD, M.D.,
Respondent

Redacted Address

Robert Bogan, Esq.
Attorney for Petitioner
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street, Suite 303
Troy, New York 12180-2299

APPENDIX 1

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT



IN THE MATTER
OF
RONNIE ARAD, M.D.
CO-07-09-5168-A

NOTICE OF
REFERRAL
PROCEEDING

TO: RONNIE ARAD, M.D.
2061 E. Dixie Hwy.
Aventura, FL 33180

RONNIE ARAD M.D.
Redacted Address

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of June, 2008, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication")) as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

May 1, 2008

Redacted Signature

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RONNIE ARAD, M.D.
CO-07-09-5168-A

STATEMENT
OF
CHARGES

RONNIE ARAD, M.D., Respondent, was authorized to practice medicine in New York state on November 18, 1977, by the issuance of license number 133087 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 27, 2007, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), issued Respondent a Letter of Concern and required him to pay \$3,000.79 costs, based on failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, due to one or more of the following: a) by failing to perform a comprehensive examination of range of motion and specific tenderness of a patient; b) by failing to order an MRI of the patient's left shoulder; c) by failing to order a CT scan of the patient's left shoulder; and/or d) by failing to obtain a copy of the patient's x-ray report from the hospital where he was seen.

B. The conduct resulting in the Florida Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
- and/or
2. New York Education Law §6530(4) (gross negligence).

