



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

January 31, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jeffrey M. Rubin, Esq.
Rubin & Shang
9 East 40th Street
New York, New York 10016

Claudia Morales Bloch, Esq.
NYS Dept. of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

RECEIVED
JAN 31 1995
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

RE: In the Matter of Deborah Williams, M.D.

Effective Date: 2/07/95

Dear Mr. Rubin and Ms. Bloch:

Enclosed please find the Determination and Order (No. 94-225) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

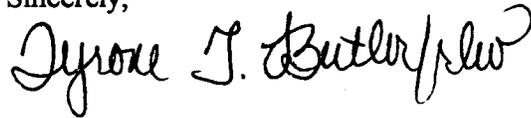
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler" with a stylized flourish at the end.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:

Enclosure

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

**IN THE MATTER

OF

DEBORAH WILLIAMS**

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
BPMC 94-225**

The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.** held deliberations by teleconference on December 30, 1994 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) October 27, 1994 Determination finding Dr. Deborah Williams (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on November 8, 1994. James F. Horan served as Administrative Officer to the Review Board. Jeffrey M. Rubin, Esq. filed a brief for the Respondent on December 7, 1994. Claudia Morales Bloch, Esq. filed a brief for the Office of Professional Medical Conduct (Petitioner) on December 16, 1994.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law section 6530(9)(a)(i), which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent had been convicted of an act constituting a crime under Federal Law. Based upon that Federal conviction, the Hearing Committee concluded that the Respondent was guilty of professional misconduct.

The Respondent was convicted, after a trial in the United States District Court for the Southern District of New York, on thirty-one counts of fraud. The counts consisted of one count of Conspiracy to Participate in a Racketeering Enterprise, one count of Participating in the Affairs of an Enterprise Through a Pattern of Racketeering Activity, twenty counts of Mail Fraud and nine counts of Money Laundering. The District Court sentenced the Respondent to Forty-one months in prison, followed by three years of supervised release. The Court also ordered that the Respondent make restitution to the New York State Department of Social Services amounting to One Million Eight Hundred Fourteen Thousand Eight Hundred Ninety-Six (\$1,814,896) Dollars. The Respondent's conviction arose from

an alleged scheme to defraud the Medicaid system.

The Hearing Committee concluded that there were no mitigating factors in the case and voted to revoke the Respondent's license to practice medicine in New York State.

REQUESTS FOR REVIEW

The Respondent has asked that the Review Board nullify the Hearing Committee's Determination and to delay the disciplinary proceeding against Dr. Williams until she had completed her appeal to the Second Circuit Court of Appeals. The Respondent contends that she was denied due process at her hearing when the matter was not adjourned because she was unable to testify at a hearing and thus waive her Fifth Amendment rights, until her criminal case is complete. The Respondent had also challenged the Hearing Committee's Penalty contending that the Hearing Committee did not consider the evidence which the Respondent offered in mitigation.

The Petitioner opposes the Respondent's request that the Review Board nullify the Hearing Committee's Determination. First, the Petitioner alleges that the question of whether or not the Respondent's case should have been adjourned by the Hearing Committee pending her appeal is an issue beyond the Review Board's jurisdiction. Second, the Petitioner contends that the Hearing Committee did consider mitigating factors in making their Determination, that the Committee's Determination is consistent with their findings and conclusions and that the Committee's Penalty is appropriate.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding the Respondent guilty of professional misconduct. The Committee's Determination is consistent with their finding that the Respondent was convicted in Federal Court on thirty-one counts arising from

a scheme to defraud the Medicaid system.

The Review Board denies the Respondent's request to nullify the Hearing Committee's Determination and delay the disciplinary hearing until the Respondent's appeal from her Federal conviction is completed. Neither the Hearing Committee nor the Review Board must delay considering a case due to a pending criminal or civil appeal.

The Review Board sustains the Hearing Committee's Determination revoking the Respondent's license to practice medicine in New York State. The Committee's Determination is consistent with their findings and conclusions and the Penalty is appropriate. The Respondent, through her medical practice, participated in a scheme to defraud the Medicaid program. The Respondent had the opportunity to offer evidence in mitigation but the Committee found no mitigating circumstances to outweigh the Respondent's betrayal of the public trust.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **sustains** the Hearing Committee on Professional Medical Conduct's October 27, 1994 Determination finding Dr. Deborah Williams guilty of professional misconduct.
2. The Review Board **sustains** the Hearing Committee's Determination to revoke Dr. Williams license to practice medicine in New York State.

ROBERT M. BRIBER

SUMNER SHAPIRO

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

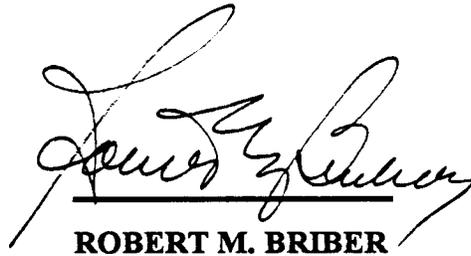
WILLIAM B. STEWART, M.D.

IN THE MATTER OF DEBORAH WILLIAMS, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Williams.

DATED: Albany, New York

January 9, 1995

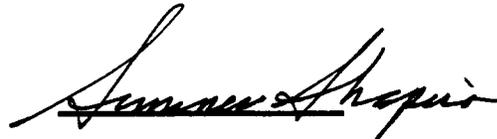

ROBERT M. BRIBER

IN THE MATTER OF DEBORAH WILLIAMS, M.D.

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Williams.

DATED: Delmar, New York

January 7, 1995


SUMNER SHAPIRO

IN THE MATTER OF DEBORAH WILLIAMS, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Williams.

DATED: Brooklyn, New York

_____, 1995



WINSTON S. PRICE, M.D.

IN THE MATTER OF DEBORAH WILLIAMS, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Williams.

DATED: Roslyn, New York

January 5, 1995

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott, M.D.", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF DEBORAH WILLIAMS, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Williams.

DATED: Syracuse, New York

6 Jan, 1995



WILLIAM A. STEWART, M.D.