



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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

Richard F. Daines, M.D.  
Commissioner

February 26, 2008

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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Yonkers, New York 10701

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Francis Ruddy, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
90 Church Street - 4<sup>th</sup> Floor  
New York, New York 10007

**RE: In the Matter of Cain Ranjan, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (BPMC No. 08-31) 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:djh

Enclosure

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

**COPY**

**IN THE MATTER  
OF  
CAIN RANJAN, M.D.**

**DETERMINATION  
AND  
ORDER**

**BPMC NO. 08-31**

**FRANK E. IAQUINTA, M.D.**, Chairperson, **JILL M. RABIN, M.D.** and **LOIS VOYTICKY**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, served as Administrative Officer for the Hearing Committee. The Department of Health appeared by **THOMAS G. CONWAY**, General Counsel, **FRANCIS RUDDY, ESQ.**, Assistant Counsel, of Counsel. The Respondent appeared by **WOOD & SCHER, WILLIAM L. WOOD, ESQ.** of Counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

**PROCEDURAL HISTORY**

Date of Notice of Hearing:	October 3, 2007
Date of Pre-hearing:	November 21, 2007
Date of Hearing:	December 12, 2007
Date of Deliberation:	January 15, 2008

**STATEMENT OF CHARGES**

The accompanying Statement of Charges alleged one (1) specification of professional misconduct for revealing information without prior patient consent. The charges are more specifically set forth in the Statement of Charges dated October 3, 2007, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

**WITNESSES**

For the Petitioner:

Leslie Fisher, RN

Patient "J. N."

Patient "J. E."

For the Respondent:

Cain Ranjan, M.D.

**FINDINGS OF FACT**

1. Cain Ranjan, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 7, 1997, by the issuance of license number 206587 by the New York State Education Department. (Pet. Ex. 4, p.2; Resp Ex. A)
2. At all times relevant to these charges, Respondent was a physician, and therefore a "licensee" within the meaning of §230(7) of the Public Health Law.
3. Prior to September, 2003, Respondent had a solo medical practice across from St. John's Riverside Hospital in Yonkers, New York. (T. 84-85)

4. In September, 2003, Respondent closed his solo medical office, and moved his medical practice into the medical offices of Nazar Jamil Sayegh, M.D. (hereinafter "Nazar Sayegh") located on Midland Avenue, in Yonkers, New York. (T. 85)
5. Respondent merged his medical practice with that of Nazar Sayegh in and after September 2003. (T. 84-85)
6. On February 17, 2004, Respondent along with Nazar Sayegh caused a Certificate of Incorporation for a professional corporation to practice medicine to be filed with the New York State Department of State. That Certificate named said corporation as Yonkers Medical Associates, P.C. (hereinafter "YMA") at 909 Midland Avenue, Yonkers, New York. (Resp. Ex. B)
7. At the time of said incorporation of YMA, Respondent and Nazar Sayegh, M.D., were incorporators, directors and officers of said corporation. Each was a fifty (50) percent owner of the shares of said corporation, and continued to be so through the year 2005. (Resp. Ex. B, p. 3; Ex. D, p. 4, Ex. E, p. 3, , p. 4, paragraphs 7, 8, 9; T. 85)
8. Rick Sayegh, M.D. (hereinafter "Rick Sayegh") was an employee of YMA, and not an owner of any shares of YMA. (T. 86, 143)
9. Rick Sayegh was the nephew of Nazar Sayegh. (T. 86)
10. On or about July 29, 2005, Nazar Sayegh wrote a letter to Respondent advising him, among other things, that their partnership (referring to YMA) was dissolved. (Resp. Ex. E, p. 4, paragraph 11; T. 93-94)
11. Respondent went on vacation to Australia on July 29, 2005. (T. 89, 92-95)

12. On or about August 2 or 3, 2005, when Respondent returned from vacation, he learned that there was an Order of Protection in effect against him which barred Respondent from the YMA offices. (T. 95-96) By reason of same, Respondent had no access to his two thousand patient files and property at said location, no access to YMA's computers, and he learned that his office property was being put into storage without his permission. (T. 96; Resp. Ex. E, p. 5, paragraph e) Respondent could not access his medical charts. (T. 96)
13. Respondent had no access to the primary YMA telephone number, and the office telephone voice answering message for same was changed without his permission on or after July 29, 2005. (T. 102-103; Resp. Ex. E, p. 5, paragraphs f, g, h)
14. Prior to July 29, 2005, the telephone answering message for YMA's primary telephone number informed callers, among other things, that they had called the office of YMA, and the office of (Dr. Cain) Ranjan and (Dr. Nazar) Sayegh. (Resp. Ex. E, p. 5, paragraph f)
15. Subsequent to July 29, 2005, the telephone message at YMA's primary telephone number was changed without Respondent's permission. (T. 102-103). The new message indicated, among other things, that the call was to Midland Family Practice and the office of Dr. Nazar Sayegh and Dr. Rick Sayegh. There was no mention of YMA or Respondent's name. (Resp. Ex. E, p. 5; T. 103)
16. As of January, 2006, Nazar Sayegh was doing business under the name Midland Avenue Family Practice. (Resp. Ex. E, p. 5, paragraph I, Ex. G)

17. By reason of the facts as stated in paragraphs three (3) through sixteen (16) above, among others, (Respondent) Cain Ranjan, M.D., individually and on behalf of Yonkers Medical Associates, P.C., brought a lawsuit against Nazar Jamil Sayegh, M.D., Midland Avenue Family Practice, and Yonkers Medical Associates, P.C., in Supreme Court, Westchester County, State of New York. (Resp. Ex. 's D, H)
18. In February, 2006, Respondent brought a petition in Supreme Court, Westchester County, New York, seeking the dissolution of YMA. (Resp. Ex. E)
19. On March 29, 2006, Respondent executed a General Release, releasing Nazar Jamil Sayegh, M.D., Midland Avenue Family Practice, and Yonkers Medical Associates, P.C. (Resp. Ex. F)
20. On April 28, 2006, Nazar Jamil Sayegh, M.D., Midland Avenue Family Practice, and Yonkers Medical Associates, P.C. executed a General Release, releasing Respondent. (Resp. Ex. G)
21. A Stipulation Discontinuing Action was executed in the aforesaid lawsuit in paragraph seventeen (17) above. (T. 101-102; Resp. Ex. H)
22. Subsequent to July 29, 2005, and when Respondent was denied access to his patient records and the YMA offices, Respondent sought out patients of YMA to advise them that they could continue as patients of his if they wished to do so. (T. 103-105)
23. In or about November, 2005, Respondent met, by chance, a former patient of YMA, "J. N.", a registered nurse, ,(T. 54-55, 137, 107) in the emergency room of St. John's Hospital, Yonkers, N.Y. "J.N." had accompanied her husband's aunt to that location for

- treatment. (T. 46-47, 107) Respondent testified he was "probably at the emergency room at that time seeing another patient of mine, or something." (T. 135, T. 136)
24. At the emergency room as stated in paragraph twenty-three (23), the aunt of "J.N." 's husband was being treated by the emergency room physician under the direction of Dr. Rick Sayegh, and she was not Respondent's patient. (T. 60)
25. Respondent asked to speak with "J.N.", and she accompanied him into a conference area at said emergency room. Respondent then advised her of the nature of the business problems he was having with the other doctors at YMA, and that he was no longer practicing medicine at YMA's offices.(T. 48-49, 104)
26. "J.N." testified that Respondent advised "J.N." of his dispute with the other doctors, the Sayeghs, and that the Sayeghs were prescribing unnecessary medications. (T. 49)
- Respondent testified that he told "J.N" it was Rick Sayegh, not Nazar Sayegh, who was prescribing unnecessary medications (T. 108), and it was Rick Sayegh's practices which he had a problem with. (T. 122) Respondent told her he was unhappy with the way Rick Sayegh practiced medicine, and Nazar Sayegh wanted to make Rick Sayegh a partner in the practice. (T. 106, 108)
27. Respondent then handed four (4) pages of medical records (Pet. Ex. 7) to "J.N." , which records belonged to three other (3) patients. None of these records belonged to "J.N." (T. 54, 112, 123-124, 128)
28. The four (4) pages of medical records in question consisted of: a blood lab report, with the company name VAP at the top of same, (Pet. Ex. 7, p. 1); a blood lab report, with the name Quest Diagnostics at the top of same, (Pet. Ex. 7, p. 2); patient discharge

instructions, from St. John's Riverside Hospital, (Pet. Ex. 7, p. 3); blood lab report, from Riverside Health Systems. (Pet. Ex. 7, p. 4; T. 49, 112-120)

29. Subsequent to May 16, 2006, Respondent provided the four (4) pages of patient records constituting Pet. Ex. 7 to Nurse Investigator Leslie Fisher of the New York State Department of Health, with names redacted. The pages were copies of patient medical records with the names crossed out with pen or otherwise similarly blackened out. (T. 16-17)
30. Respondent told "J.N." that the medication prescribed on the paper he had handed her, was "unwarranted" and "... unnecessary, because there was nothing there to support why you would give a patient that particular medication, and was implying that they were prescribing medications that were unneeded." (Pet. Ex. 7, p. 1; T. 49-50)
31. Respondent did not explain to "J.N." why he thought the Sayeghs were prescribing medications that were unneeded. (T. 50-51)
32. Upon her reading the first page of the said medical records, i.e., the blood lab report with the company name VAP (Pet. Ex. 7, p. 1), "J.N." told Respondent that "...he was committing a HIPAA (Health Insurance Portability and Accountability Act) violation," and "that she was ...his patient, not his nurse..." (T. 49-50, 122-123; Pet. Ex. 7)
33. Respondent admitted that "J.N." told him "You are in HIPAA violation by showing this paper to me...You're in violation of HIPAA because you're not supposed to show medical records of one to another." (T.128)

34. "J.N." testified that the first page of the medical record (Pet. Ex. 7, p. 1) which she examined contained the patient's name in plain view at the top of the page, and that it was not stricken out. (T. 49, 54) This page also contained in plain view the patient's date of birth, client number, date collected, date received, and date reported. (T. 51-52, 112-13; Pet. Ex. 7) At the hearing, "J.N." could not remember the name of the patient appearing on the page. (T. 49, 52-54)
35. The second page of the papers which Respondent handed to "J.N." consisted of the blood lab report with the name Quest Diagnostics at top. It also contained the following patient information: date of birth, age, gender, social security number, ID (number), phone number, date specimen collected, received, and reported. Also reported was the name of the ordering physician, Sayegh, Nazar J. (Pet. Ex. 7, p. 2). Respondent admitted that he showed Pet. Ex. 7, p. 2, as it appeared in evidence, to "J.N." on the date in question. (T. 112). Respondent also admitted that the patient's date of birth, gender, social security number, a phone number (which he did not know if same was the patient's), name of ordering physician Nazar Sayegh, date the item was collected, received and reported, all appeared on said page when shown to "J.N.". (T. 113-117)
36. The third page of the papers shown to "J.N." consisted of the Patient Discharge Instructions from St. John's Riverside Hospital. It also contained the following patient information: date of birth, social security number, phone number, and the patient's (name) signature. Also reported was the name of the ordering physician, Sayegh, Rick. Respondent admitted that he showed this page (Pet. Ex. 7, p. 3), as it appeared in evidence, to "J.N." on the date in question. (T.112, 135) Respondent also admitted it

contained the name of the ordering physician "probably Ricky Sayegh," a date of 1/23/05 or 4/23/05, a probable date of birth of 07/26/22, a possible telephone number of the patient, all of which appeared on said page when shown to "J.N." (T. 117-119)

37. The fourth page of the papers shown to "J.N." consisted of the blood lab report from Riverside Health System. It also contained the following patient information: age and sex, room number, and date of admission. Respondent admitted that he showed this Document( Pet. Ex. 7, p. 4), as it appeared in evidence, to "J.N." on the date in question. (T.112). Respondent also specifically admitted it contained the age, sex, room number, date of admission, all of which appeared on said page when shown to "J.N." (T. 119-120)
38. In or about early November, 2005, Respondent met a former patient of YMA, "J. E.", at a Kinko's store about a block away from where YMA's offices were located in Yonkers, New York. (T.62, 64, 104, 106) Dr. Nazar Sayegh was then "J.E.'s" physician. (T. 73)
39. Respondent asked to speak with "J.E." Respondent then advised him of the nature of the business problems he was having with the other doctors at YMA, and that he was no longer practicing medicine at YMA's offices. Respondent suggested that "J.E." continue as his patient and not as a patient of YMA. (T. 63-64, 71, 106) Respondent told him that the Sayeghs might be doing some things that are unethical. (T. 64-65) Respondent told "J.E." he was unhappy with the way Rick Sayegh practiced medicine, and Nazar Sayegh wanted to make Rick Sayegh a partner in the practice. (T. 106)

40. "J.E." stated that he has a masters degree in psychology from the University of Heidelberg and Stanford University. He also attended two years of medical school at Stanford University, ending in 1994. (T. 62-63)
41. Respondent placed four (4) pages of medical records (Pet. Ex. 7) on a counter in front of "J.E." (T. 65-66, 74, 76, 105-106) Those records belonged to three (3) other patients of YMA. (T. 105, 111-112) None of these records belonged to "J.E." (T. 64) "J.E." touched the documents. (T. 78-79)
42. "J.E." reviewed each of the four (4) pages of medical records, and Respondent discussed them with "J.E." "J.E." knew that he probably should not have been viewing the documents because they showed a person's name, social security number, address, blood test, among other things. (T. 64-66, 70-71, 106)
43. "J.E." testified that the first page of the medical record (Pet. Ex. 7, p. 1) which he examined contained the patient's name in plain view at the top of same, and that it was not stricken out. (T. 67) This page also contained in plain view the patient's date of birth, client number, date collected, date received, and date reported. (T. 112-113; Pet. Ex. 7) "J.E." could not remember the name of the patient appearing on the page, although he did remember at the hearing that it was an Hispanic name and it began with the letter "G." (T. 72)
44. "J.E." testified that the name of the patients appeared on each page, and none were stricken out or redacted. (T. 67-69)
45. The second page of the papers shown to "J.E." consisted of the blood lab report with the name Quest Diagnostics at top. It also contained the following patient information: date

of birth, age, gender, social security number, ID (number), phone number, date specimen collected, received, and reported. Also reported was the name of the ordering physician, Sayegh, Nazar J. Under Client information were listed the names Midland Family Practice, Sayegh and Ranjan MD's, 909 Midland Avenue, Yonkers, N.Y. (Pet. Ex. 7, p. 2) Respondent admitted that the patient's date of birth, gender, social security number, a phone number (which he did not know if it was the patient's), name of ordering physician Nazar Sayegh, date the item was collected, received and reported, all appeared on this page when shown to "J.E." (T. 113-117)

46. The third page of the papers shown to "J.E." consisted of the Patient Discharge Instructions from St. John's Riverside Hospital. It also contained the following patient information: date of birth, social security number, phone number, the patient's name written as a signature, a list of medications to be taken by the patient, and the doctors' names and telephone numbers for follow up. Also reported was the name of the ordering physician, Sayegh, Rick. (Pet. Ex. 7, p. 3) Respondent admitted it contained the name of ordering physician "probably Ricky Sayegh," a date of 1/23/05 or 4/23/05, a probable date of birth of 07/26/22, a possible telephone number of the patient, all of which appeared on said page when shown to "J.E." (T. 117-119)
47. The fourth page of the papers shown to "J.E." consisted of the blood lab report from Riverside Health System. It also contained the following patient information: age and sex, room number, and date of admission. (Pet. Ex. 7, p. 4) Respondent admitted it contained the age, sex, room number, date of admission, all of which appeared on this page when shown to "J.E." (T. 119-120)

48. Respondent advised "J.E." that the other doctors at YMA were "wrongly" prescribing medications. (T. 70)
49. Respondent said that the "Tricor" medication prescribed to the patient listed at Pet. Ex. 7, p. 4, was not the best medication to put the patient on, but they (the Sayeghs) were doing so to "...receive bonuses from drug companies and stuff like that." (T. 70-71, 76)
50. "J.E." testified that he knew how to identify persons by their social security alone, and he stated he could have identified the patients herein through their social security numbers. (T. 77)
51. The name of the ordering physician on the lab reports constituting Pet. Ex. 7 was "Sayegh." "J.E." was specifically aware of the this fact when he examined the documents. (T. 76-77)
52. Respondent testified that he collected all patient medical records ( Pet. Ex. 7), before July 29, 2005. (T. 87-88, 139) Respondent testified that he had obtained all these documents before August (2005), and prior to his vacation. (T. 140)
53. Pet. Ex. 7, page 3 has the number "J314931 below the (stricken out) patient's name. Pet. Ex.7 page 4 has the same number "J314931" directly following the (stricken out) patient's name. Page 3 has a date of "1/23/05," and an apparent date of birth of "07/26/22." It also lists the letters "M" and "82." A male with a date of birth of 7/26/22 would have been 82 years of age on 1/23/05. Page 4 is dated September 7, 2005, and it indicates "Age/Sex: 83 M." A person with a date of birth of 7/26/22 would have been 83 years of age on September 7, 2005.

54. Respondent testified that he obtained the last two pages of Pet. Ex. 7, pages 3 and 4, from a hospital on or after September 7, 2005. (T. 142)
55. Respondent had no written consents for the release of medical information from the three (3) patients whose records he showed to "J.N." and "J.E.". (T. 134)
56. Neither "J.N." nor "J.E." initiated complaints of their own accord concerning the actions of Respondent to the Office of Professional Medical Conduct ("OPMC") of the New York State Department of Health. (T. 56, 74)

### **CONCLUSIONS OF LAW**

The Hearing Committee makes the unanimous conclusion, pursuant to the Findings of Fact listed above, the following Factual Allegations are sustained:

Factual Allegations A, A.1 and A.2 : SUSTAINED

Factual Allegations A and A.3 : NOT SUSTAINED (No proof in record for these dates)

### **DISCUSSION**

Respondent is charged with one (1) specification alleging professional misconduct within the meaning of Education Law § 6530. The Hearing Committee concluded, by a preponderance of the evidence, that the one (1) specification of professional misconduct should be sustained. The rationale for the Hearing Committee's conclusions regarding the specification of misconduct is set forth below.

At the outset of deliberations, the Hearing Committee made a determination as to credibility of the witnesses presented. The Department offered the testimony of Leslie Fisher,

RN, an investigator for the Office of Professional Medical Conduct. The Hearing Committee finds Ms. Fisher to be an unbiased witness who answered questions in a fair and thorough manner. The Hearing Committee finds her to be a credible witness.

The Department also offered the testimony of Respondent's former patient "J.N." who is also a registered nurse. The Hearing Committee finds "J.N." a credible witness who became genuinely concerned about a potential HIPAA violation as soon as Respondent started to show her the records of another patient. The Department also called former patient "J.E." to testify. The Hearing Committee also finds him to be a credible witness who provided straightforward and detailed testimony regarding his encounter with Respondent.

Respondent took the stand on his own behalf. The Hearing Committee finds that his answers were not always responsive. Respondent could not recall making the "downward squiggles" on the patient's record (Pet. Ex. 7) that Patient "J.E" testified in detail about. (T. 68, 117) The Hearing Committee believes that Respondent's testimony was too focused on criticizing the medical practices of the nephew of his former business partner, instead of patient privacy issues. As a result, the Hearing Committee gave Respondent's testimony little weight.

### **FIRST SPECIFICATION**

#### **REVEALING INFORMATION WITHOUT PRIOR PATIENT CONSENT**

The Hearing Committee finds that Patient "J.N." specifically testified that Respondent showed her a lab report that contained a patient's name and other personal information. (T. 49-50) Nothing was blacked out and the date of birth and client number were clearly visible. (T. 51-52) After "J.N." warned Respondent that he was violating the HIPAA law, he

told her that he was aware of the regulations and denied that he was acting in violation of them. (T. 122-3)

The Hearing Committee finds that the testimony of "J.E." corroborates a similar scenario. Respondent brought the records into "J.E.'s" place of business and initiated the discussion about why he left the Midland Family Practice. (T. 64) Respondent showed a medical record to "J.E." in which "J.E." distinctly recalled seeing a patient's name, date of birth, telephone number and Social Security number. (T. 68-69) The patient's name was not blacked out and Respondent made "downward squiggles" on the document during the discussion. (T. 67-68) In contrast, Respondent testified that he concealed the patient's name before showing it to either "J.N." or "J.E." (T. 110)

The Hearing Committee believes the testimony of both "J.N." and "J.E." and finds that there is no reason for them to fabricate their testimony. The Hearing Committee specifically notes that a patient's signature appears in plain view at the bottom of page 3 of Exhibit 7. The Hearing Committee further finds that not only names, but Social Security numbers, dates of birth and telephone numbers constitute personally identifiable facts about a patient. There is no proof in the record that these patients consented to allow their medical records to be shown to others. The Hearing Committee understands Respondent's frustration with his former business partner but they conclude that his actions of divulging personally identifiable patient information to others is not justified and constitutes misconduct. As a result, the First Specification is sustained.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a unanimous vote that Respondent shall be censured and reprimanded for his misconduct. Respondent will be placed on probation for one year and required to enroll in and complete a continuing medical education (CME) course in the area of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) that shall include patient confidentiality and human subjects protection. The CME program shall be subject to the prior written approval of the Director of OPMC and be completed within the one year probationary period. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, the imposition of monetary penalties and dismissal in the interests of justice.

The Hearing Committee believes that Respondent lied to the Department's investigator when he told her that he had redacted the names of patients prior to showing the records to "J.N." and "J.E." Respondent showed no remorse for his actions and failed to accept responsibility for them. The Hearing Committee believes that Respondent needs to better understand his role in protecting the privacy of all of his patients. They conclude that a censure and reprimand with probation and a mandated CME course covering patient privacy issues is the appropriate penalty in this instance.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First Specification of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**; and
2. Respondent is **CENSURED AND REPRIMANDED**;
3. Respondent's license shall be placed on **PROBATION** for a period of **ONE YEAR**, and he shall comply with all Terms of Probation as set forth in Appendix II, attached hereto and made a part of this Order; and
4. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: New York, New York**

Febr. 22, 2008

Redacted Signature

M.D.

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**FRANK E. IAQUINTA, M.D.**

**(Chairperson)**

**JILL M. RABIN, M.D.**

**LOIS VOYTICKY**

To: Francis Ruddy, Esq.  
Assistant Counsel  
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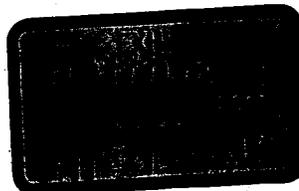
# **APPENDIX I**

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

IN THE MATTER  
OF  
CAIN RANJAN, M.D.

NOTICE  
OF  
HEARING

TO: CAIN RANJAN, M.D.  
970 North Broadway, Suite 310  
Yonkers, New York 10701



PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on **Wednesday, December 12, 2007, at 10:00 a.m.**, at the Offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> floor, New York, New York 10007, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF

(1)

EXHIBIT  
1

ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), 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. 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 N.Y. State Admin. Proc. 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A

DETERMINATION THAT YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET OUT IN NEW  
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED  
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS  
MATTER.

DATED: New York, New York  
October 3, 2007

Redacted Signature

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be directed to: Francis Ruddy  
Assistant Counsel  
Bureau of Professional Medical Conduct  
90 Church Street, 4<sup>th</sup> floor  
New York, New York 10007  
(212) 417-4450

IN THE MATTER  
OF  
CAIN RANJAN, M.D.

STATEMENT  
OF  
CHARGES

CAIN RANJAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 7, 1997, by the issuance of license number 206587 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. In 2005, Respondent inappropriately provided three (3) different third party patients with portions of the medical records of another patient or patients containing personally identifiable facts, data or information without the consent of the other patient or patients.
1. Respondent did so to a third party patient in or about November or December, 2005.
  2. Respondent did so to a third party patient in or about October, 2005.
  3. Respondent did so to a third party patient in or about August through December, 2005.

**SPECIFICATION OF CHARGES**

**REVEALING INFORMATION WITHOUT PRIOR PATIENT CONSENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law 6530(23), by revealing of personally identifiable facts,

data, or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law, as alleged in the facts of:

1. Paragraph A and paragraph A1.
2. Paragraph A and paragraph A2.
3. Paragraph A and paragraph A3.

DATE: October 3, 2007  
New York, New York

Redacted Signature

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

# **APPENDIX II**

## **Terms of Probation**

- 1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession. Respondent acknowledges that if s/he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).**
- 2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.**
- 3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.**
- 4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.**
- 5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.**

**6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.**

**7. Respondent shall enroll in and complete a continuing medical education program in the area of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) that shall include patient confidentiality and human subjects protection. Said continuing medical education program shall be subject to the prior written approval of the Director of OPMC and be completed within the one year probationary period.**

**8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.**