



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

May 11, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Jonathan S. Ross, M.D.
NYS License No. 154637

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Jonathan S. Ross's right to practice medicine in the State of New York. This Order was issued on May 10, 2000, and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

**IN THE MATTER
OF
JONATHAN S. ROSS, M.D.**

**COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING**

TO: JONATHAN S. ROSS, M.D.
P.O. Box 1520
Cherry Hill, New Jersey 08034-0066

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that JONATHAN S. ROSS, M.D. has been found guilty of committing an act constituting a felony under federal law, in the United States District Court, District of New Jersey (Camden), the law of another jurisdiction, in the Superior Court of New Jersey, Law Division Camden County Criminal, Camden, New Jersey, which, if committed within New York state would have constituted a felony under New York state law, and disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by JONATHAN S. ROSS, M.D., the Respondent, constitutes imminent danger to the health of the people of this state.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, JONATHAN S. ROSS, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the

Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 14th day of June, 2000 at 10:00 am in the forenoon at the Hedley Park Plaza, 5th Floor, 433 River Street, Troy, New York, 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

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. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be 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 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. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 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.

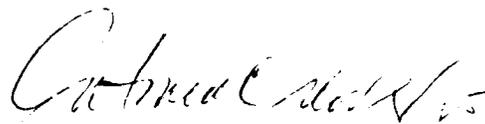
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative

Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, (518-402-0751), 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. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction 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 MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY IN THIS MATTER.

DATED: Albany, New York
May 10, 2000



ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner

Inquiries should be directed to:
Robert Bogan
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Hedley Park Place
433 River Street
Suite 303
Troy, New York 12180
(518) 402-0820

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

**IN THE MATTER
OF
JONATHAN SCOTT ROSS, M.D.**

**STATEMENT
OF
CHARGES**

JONATHAN SCOTT ROSS, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1983, by the issuance of license number 154637 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 30, 1999, in the United States District Court, District of New Jersey (Camden), Respondent was found guilty of obtaining possession of controlled substances by misrepresentation, fraud, forgery, deception, and subterfuge, in violation of Title 21, United States Code, Section 843(a)(3), and on or about October 14, 1999, was sentenced to three (3) years probation with conditions, a \$1,000.00 fine, and a \$100.00 assessment.

B. On or about September 22, 1999, in the Superior Court of New Jersey, Law Division Camden County Criminal, Camden, New Jersey, Respondent was found guilty of Unlawful Possession of a Weapon (Handgun), third degree, in violation of New Jersey Statutes 2C:39-5b, and on or about October 22, 1999, was sentenced to one year non-custodial, non-

reporting, Probation concurrent to the Federal Probation, as set forth in Paragraph A above, and fined \$155.00.

C. On or about April 12, 2000, the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Consent Order Granting Surrender of License (hereinafter "New Jersey Order"), granted Respondent leave to immediately surrender his license to practice medicine and surgery, and required him to surrender his D.E.A. license and to pay a \$7,500.00 penalty, based on the convictions set forth in Paragraphs A and B above, failure to comply with an order of the New Jersey Board, prescribing Controlled Dangerous Substances (hereinafter "CDS") in the names of patients and paying the patients to return the CDS to him for his own use and abuse, maintaining a loaded semi-automatic firearm in the trunk of his car, thereby, increasing the risk of harm to the public whom he is obliged to protect, repeated acts of negligence, malpractice or incompetence, and engaging in repeated sexual acts with patients.

D. The conduct resulting in the New Jersey Board's 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);
2. New York Education Law §6530(5) (incompetence on more than one occasion);
3. New York Education Law §6530(9)(a)(ii) (being convicted of a crime under federal law);
4. New York Education Law §6530(9)(a)(iii) (being convicted of a crime under the law of another jurisdiction);

5. New York Education Law §6530(16) (failure to comply with federal, state, or local laws or rules regulating the practice of medicine);
6. New York Education Law §6530(17) (undue influence on a patient);
7. New York Education Law §6530(20) (moral unfitness);
8. New York Education Law §6530(24) (practicing beyond the scope permitted by law); and/or
9. New York Education Law §6530(31) (harassing, abusing, or intimidating a patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by reason of having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by reason of having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

2. The facts in paragraph B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based,

would, if committed in New York state, constitute professional misconduct, under the laws of New York state, in that Petitioner charges:

3. The facts in paragraphs A, B, C, and/or D.

FOURTH SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken or having surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action or surrender would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

4. The facts in paragraphs A, B, C, and/or D.

DATED: *May 9*, 2000
Albany, New York



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