



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

Paula Wilson  
Executive Deputy Commissioner

June 25, 1993

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Felicia Pla Alarid, M.D.  
351 East 84th Street  
Apartment 24D  
New York, New York 10038

Amy Kulb, Esq.  
Jacobson & Goldberg  
585 Stewart Avenue  
Garden City, New York 11530

Ralph J. Bavaro, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

**RE: In the Matter of Felicia Pla Alarid, M.D.**

Dear Dr. Alarid, Ms. Kulb and Mr. Bavaro:

Enclosed please find the Determination and Order (No. BPMC-93-94) of the Hearing Committee 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

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.

Very truly yours,

*Tyrone T. Butler* nam

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X  
IN THE MATTER : HEARING COMMITTEE'S  
OF : DETERMINATION  
AND  
ORDER  
FELICIA PLA ALARID, M.D. : NO. BPMC-93-94  
a/k/a ANNA PLA, M.D.  
-----X

A Notice of Hearing and Statement of Charges, both dated January 13, 1993, were served upon the Respondent, Felicia Pla Alarid, M.D. a/k/a Anna Pla, M.D. **KENNETH KOWALD, DANIEL A. SHERBER, M.D.** and **STEVEN M. LAPIDUS, M.D. (Chairperson)** duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Benjamin J. Migliore, Esq., Administrative Law Judge, served as the Hearing Officer. A hearing was held on April 27, 1993 at 5 Penn Plaza, Sixth Floor, Conference Room A, New York, New York. The Department of Health appeared by Ralph J. Bavaro, Associate Counsel. The Respondent was represented by Amy Kulb, Esq. of Jacobson and Goldberg, 585 Stewart Avenue, Garden City, New York 11530. Evidence was received and a transcript of this proceeding was made.

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

STATEMENT OF CASE

This proceeding was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of New

York Education Law, Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law, Section 6530(9)(a)(ii) in that she has been convicted of crimes under federal law. A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order.

#### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. The citations represent 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.

1. Felicia Pla Alarid, M.D. a/k/a Anna Pla, M.D. was authorized to practice medicine in New York State on October 17, 1958 by the issuance of license number 081685 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to

practice medicine for the period January 1, 1993 through December 31, 1994. (Pet. Ex. #1)

2. On or about October 11, 1989, Respondent pled guilty and was convicted in the United States District Court for the Eastern District of New York, of conspiracy to distribute and possess with intent to distribute cocaine, in violation of Federal Law. (21 U.S.C. Section 846) (Pet. Ex. #1)

3. Respondent was sentenced to 14 months imprisonment, was assessed \$50.00 and is currently on supervised federal parole until April 30, 1995. (Pet. Ex. #1 and #3)

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee unanimously concluded that the Department of Health had met its burden of proof. The preponderance of the evidence clearly demonstrated that Respondent's conduct underlying the conviction of conspiracy to distribute and possess cocaine and the imprisonment for a term of 14 months plus a \$50.00 assessment constituted professional misconduct under New York Education Law Section 6530(9)(a)(ii).

The Hearing Committee, therefore, sustained the Specification of misconduct contained in the Statement of Charges.

### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined that Respondent shall be placed on probation until April 1995. The 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 and the imposition of monetary penalties. The Committee determined that Respondent shall be bound by the following provisions:

1. Respondent shall limit her practice of medicine to an institutional setting.
2. The Executive Director or Medical Director of the institution where Respondent is employed must submit an annual report to the Office of Professional Medical Conduct examining the quality of her work and the areas of medicine in which she is practicing. This report will be required by any new employer during the period of probation; and
3. Such other terms and conditions deemed necessary by the Office of Professional Medical Conduct.

In the event that Respondent leaves New York to reside or practice outside the State, the Respondent shall notify the Office of Professional Medical Conduct. Periods of residency or practice outside New York shall toll the probationary period, which shall be extended by the length of residency or practice outside New York. If the terms and conditions of probation are violated, Respondent's license to practice medicine shall be

immediately revoked.

The Committee's determination as to penalty took into consideration that Respondent's offense did not involve the practice of medicine. An important mitigating factor was that she took the conspiracy rap for her son's protection. Respondent admitted that she made some foolish mistakes in order to cover for her son, however, she deeply regrets having conducted herself in this manner.

The Hearing Committee also considered the strong support for the Respondent demonstrated by the letters of support received from physicians at Metropolitan Hospital Center. In addition, a letter from the Founder and President of Mott Haven House accepting the Respondent as Executive Director demonstrated that the community was ready to accept Respondent notwithstanding her conviction.

Respondent's conduct constituted a serious breach of trust. Nevertheless, it was the consensus of the Hearing Committee that revocation of her medical license was not warranted. A very important factor in reaching its decision of probation was that the State Department of Health did not recommend any penalty.

The Hearing Committee believes that successful completion of the probation terms and conditions will enable Respondent to restore her medical practice to the ethical standards expected of members of the profession.

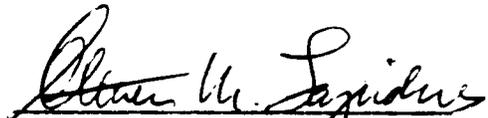
**ORDER**

Based upon the foregoing, it is hereby ordered that:

1. The Specification of professional misconduct contained within the Statement of Charges is sustained; and
2. Respondent's license to practice medicine in New York State shall be subject to the terms and conditions as set forth herein.

**DATED: POUGHKEEPSIE, NEW YORK**

**JUNE 15, 1993**

  
**STEVEN M. LAPIDUS, M.D.**

**DANIEL SHERBER, M.D.  
KENNETH KOWALD**

**TO: Felicia Pla Alarid, M.D.  
351 East 84th Street  
Apartment 24D  
New York, New York 10038**

**Amy Kulb, Esq.  
Jacobson & Goldberg  
585 Stewart Avenue  
Garden City, New York 11530**

**Ralph J. Bavaro, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810**

APPENDIX I

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

Case ALARID  
PR770022  
Per ID 4-27-93  
In Mail 1-27-93

-----X  
: IN THE MATTER : NOTICE OF  
: OF : REFERRAL  
: FELICIA PLA ALARID, M.D. : PROCEEDING  
: a/k/a ANNA PLA, M.D. :  
-----X

TO: FELICIA PLA ALARID, M.D.  
a/k/a ANNA PLA, M.D.  
351 East 84th Street  
Apt. 24D  
New York, NY 10028

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1992, as amended by ch 37, Laws of 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 23rd day of February, 1993 at 1:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

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 Larry Storch, Administrative Law Judge, New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, as well as the Department of Health attorney indicated below, on or before February 13, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with Judge Storch at the address indicated above on or before February 13, 1993 and a copy of all papers must be

served on the same date on the Department of Health attorney indicated below. 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Judge Storch 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

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
FELICIA PLA ALARID, M.D. : CHARGES  
a/k/a ANNA PLA, M.D. :  
-----X

FELICIA PLA ALARID, M.D. a/k/a ANNA PLA, M.D., the Respondent, was authorized to practice medicine in New York State on October 17, 1958 by the issuance of license number 081685 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 351 East 84th Street, Apt. 24D, New York, New York 10028.

FACTUAL ALLEGATIONS

- A. On or about October 11, 1989 Respondent pled guilty and was convicted in the United States District Court for the Eastern District of New York, of conspiracy to distribute and possess with intent to distribute cocaine, in violation of federal law to wit: 21 U.S.C. section 846. Respondent was sentenced to 14 months imprisonment, was assessed \$50,

and is currently on supervised federal parole until April 30, 1995.

SPECIFICATION OF CHARGES

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law section 6530(9)(a)(ii) (McKinney Supp. 1992) in that she has been convicted of crimes under federal law. Petitioner charges:

1. The facts contained in paragraph A.

DATED: New York, New York

January 13, 1993

  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical  
Conduct

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: New York, New York

January 13, 1993



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

RALPH J. BAVARO  
Associate Counsel  
(212) 613-2601