

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

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**IN THE MATTER
OF
ROMAN JOHNSON, M.D.**

**DETERMINATION
AND
ORDER**

BPMC-17-193

The New York State Department of Health ("Department") charged Roman Johnson, M.D. ("Respondent"), with professional misconduct in violation of New York State Education Law § 6530(9)(a)(ii), for committing an act constituting a crime under federal law.

A hearing was held on April 20, 2017. Administrative Law Judge Jankhana Desai presided over the hearing. Pursuant to Section 230(10)(e) of the Public Health Law ("PHL"), Ruth Horowitz, Ph.D., Chairperson, Florence Kavalier, M.D., and Rose Berkun, M.D., duly designated members of the State Board for Professional Medical Conduct ("BPMC"), served as the Hearing Committee ("Committee").

The Department appeared by Pooja Rawal, Senior Attorney for the Bureau of Professional Medical Conduct. Respondent appeared by Amy Kulb, Attorney at Law. Evidence was received, and a transcript of the proceeding was made. The Committee held deliberations on April 20, 2017 and June 27, 2017. The record closed on June 27, 2017. After consideration of the entire record, the Committee issues this Determination and Order.

BACKGROUND

This case was brought pursuant to PHL § 230(10)(p), a statute that provides for a direct referral proceeding when a licensee is charged solely with a violation of Educ. Law § 6530(9). In

this case, Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii), for being convicted of an act constituting a crime under federal law. Respondent was convicted of Conspiracy to Commit Health Care Fraud under 18 U.S.C. §§ 1349 and 1347.

The scope of this direct referral hearing is limited to an assessment of the nature and severity of the penalty to be imposed upon the licensee.

FINDINGS OF FACT

The Committee made the following findings of fact unanimously:

1. Respondent was authorized to practice medicine in New York State on or about September 23, 2008, by the issuance of license number 250497, by the New York State Education Department.

2. On March 6, 2015, in the United States District Court, Eastern District of New York, Respondent pled guilty to Conspiracy to Commit Healthcare Fraud, a felony, in violation of 18 U.S.C. §§ 1349 and 1347. On May 26, 2016, Respondent was convicted and sentenced to five years of probation, payment of a \$100 court assessment, and payment of \$5,386,362.94 in criminal forfeiture, for which he is jointly liable with his codefendants.

3. A letter dated November 23, 2016 from Respondent's probation officer, Vincent Daniello, states that Respondent is in compliance with the terms of his probation including the timely payment of forfeiture at the court ordered rate.

4. In a Commissioner's Order dated February 27, 2017, Respondent was summarily prohibited from practicing medicine in New York State or in any setting under the authority of Respondent's New York medical license.