



January 8, 2025

Case number: 25-CRF-0018

Geoffrey L. Kamen, M.D.
793 E. Foothill Blvd. Ste. A117
San Luis Obispo, CA 93405-1615

geoffreykamen@gmail.com

Dear Doctor Kamen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about May 8, 2019, the Board granted you a license to practice medicine and surgery in Ohio. In an order dated July 12, 2023, the Board revoked your license to practice medicine and surgery [Ohio order].

In or around November 2023, you applied for a license to practice medicine and surgery [Application]. That Application remains pending.

- (2) On your Application, you answered YES to the following questions:

Has any board, bureau, department, agency or other body, including those in Ohio, in any way limited, restricted, suspended, or revoked any professional license, certificate or registration granted to you; placed you on probation; or imposed a fine, censure or reprimand against you?

Have you ever voluntarily surrendered, resigned, or otherwise forfeited any professional license, certificate or registration issued to you by any board, bureau, department, agency, or other body; or have you ever withdrawn any application for licensure, relicensure, or examination, in any state (including Ohio), territory, province or country?

You hold or have held licenses to practice medicine and surgery that have been the subject of disciplinary action in at least four states in addition to Ohio.

- (a) In or around August 2021, you entered into a Stipulation and Order [Utah Stipulation] with the Utah Department of Commerce, Division of Occupational and Professional Licensing [Utah Department]. The Utah Stipulation alleged that, while you were practicing telemedicine in Utah, genetic testing and knee braces were ordered for a Utah patient documenting you as the authorizing physician, although you had no patient record documenting an order for the genetic testing or knee braces. According to the terms of the Utah Stipulation, you agreed to surrender your Utah medical license and agreed not to request re-licensure for a period of five years. You also were required to pay a fine of \$10,000, of which \$5,000 was stayed. In an Order dated August 16, 2021 [Utah Order], the Utah Department adopted the Utah Stipulation. A copy of the Utah Stipulation and Utah Order are attached hereto and incorporated herein.
- (b) On or about March 21, 2023, the New York Department of Health, State Board for Professional Medical Conduct [New York Board] issued a Determination and Order [March 2023 New York Order], finding that you had engaged in professional misconduct. The New York Order was based on the Utah Order, including the facts set forth therein, as well as the additional information you had provided to the New York Board. The New York Board issued a censure and reprimand.

Subsequently, the New York Department of Health requested a review the New York Order by the New York Department of Health Administrative Review Board for Professional Medical Conduct [New York Review Board]. In a Determination and Order mailed on or about October 5, 2023 [October 2023 New York Order], the New York Review Board suspended your New York medical license for three years, stayed the suspension, and imposed a period of probation of three years, to be tolled until you returned to practice medicine in New York. The New York Review Board also imposed a permanent restriction on your New York medical license, prohibiting you from practicing telemedicine for any patient in New York state.

A copy of the March 2023 New York Order and the October 2023 New York Order are attached hereto and incorporated herein.

- (c) On or about April 10, 2023, before the Pennsylvania Board of Medicine [Pennsylvania Board], a show cause order was issued to you, based on the disciplinary action taken in New York. On or about August 8, 2023, an amended show cause order was issued against you, based on the Ohio Order. In a Final Order [Pennsylvania Order] issued February 8, 2024, the Pennsylvania Board reprimanded you. A copy of the Pennsylvania Order is attached hereto and incorporated herein.
- (d) On or about April 24, 2023, the Florida Department of Health [Florida Department] filed an Amended Administrative Complaint [Florida Complaint] against you, based in part on the Utah Order. In or around January 2024, you entered into a Settlement Agreement [Florida Agreement] with the Florida Department. Under the terms of the Florida Agreement, you would be issued a Letter of Concern and fined \$5,000.00. In a Final Order [Florida Order] issued

February 16, 2024, the Florida Board of Medicine [Florida Board] adopted the Florida Agreement. A copy of the Florida Complaint, the Florida Agreement and the Florida Order are attached hereto and incorporated herein.

The Utah Stipulation and the Utah Order, as alleged in paragraph (2)(a) above, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The March 2023 New York Order and the October 2023 New York Order, as alleged in paragraph (2)(b) above, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Pennsylvania Order as alleged in paragraph (2)(c) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Florida Order as alleged in paragraph (2)(d) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of service of this notice.

Pursuant to Rule 4731-13-21, Ohio Administrative Code, evidence of any prior action by the Board against the respondent is admissible in the administrative hearing.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of service of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Sincerely,

Kim G. Rothermel M.D. / KGR
Kim G. Rothermel, M.D.
Secretary

*Per
authorization*

KGR/CDP/lv
Enclosures

Via Email: geoffreykamen@gmail.com

cc: Michael Kamen
120 Carriage Dr., Ste 202
Chagrin Falls, Ohio 44022

mkamenesq@gmail.com

VALERIE M. WILDE (U.S.B. 7345)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
TEL: (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
GEOFFREY LEE KAMEN) **STIPULATION AND ORDER**
UTAH LICENSE #11170002-1205)
TO PRACTICE AS A PHYSICIAN)
IN THE STATE OF UTAH)
) **CASE NO. DOPL 2021- 249**

GEOFFREY LEE KAMEN (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-902. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent neither admits nor denies the following, but agrees that the Division shall make the following findings of fact:

- a. Respondent was first licensed to practice as a physician in the State of Utah on or about March 21, 2019.
- b. Respondent practices telemedicine in the State of Utah. Respondent is required to inform the Division within 10 business days of a change in mailing address or email address.
- c. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment.
- d. Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient's medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare.
- e. Respondent desires to surrender Respondent's license to practice as a physician in the State of Utah, along with all residual rights pertaining to said license.

8. Respondent, while neither admitting nor denying the findings of fact above, agrees that the Division shall find that the findings of fact above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (m); and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(g) and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's licenses to practice as a physician in the State of Utah, as well as all residual rights pertaining to said license. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary

action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees not to reapply for licensure as a physician in the State of Utah until five years has elapsed from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physician and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division. Respondent shall pay a fine of \$10,000.00 (ten thousand dollars), pursuant to Utah Code Ann. § 58-67-503, to the Division. Of that total fine, \$5,000.00 (five thousand dollars) shall be immediately stayed. If Respondent fails to comply with any term or condition of this Stipulation and Order, then the Division may move to lift the stay and immediately impose the stayed portion of the fine. Respondent shall pay the unstayed \$5,000.00 (five thousand dollar) portion of the fine to the Division within 90 days from the effective date of this Stipulation and Order.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes

and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

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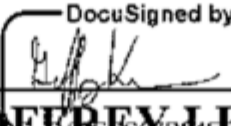
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DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

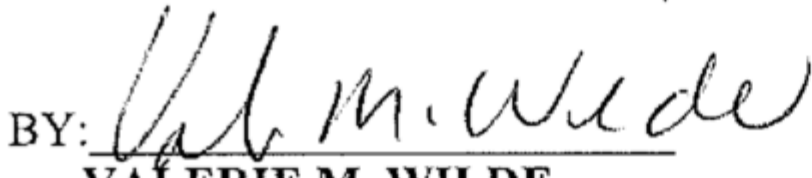
BY: 
LARRY MARX
Bureau Manager

BY: 
GEOFFREY LEE KAMEN

DATE: 8/10/2021

DATE: 8/9/2021

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: 
VALERIE M. WILDE
Counsel for the Division

DATE: 8/10/21

ORDER

THE ABOVE STIPULATION, in the matter of **GEOFFREY LEE KAMEN**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 16 day of August, 2021.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Kevin Nitzel



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

March 24, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols
and Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595

RE: In the Matter of Geoffrey Kamen, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-062) 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. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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:

Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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 Judge Carney 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,

A solid black rectangular box redacting the signature of the sender.

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: *cmg*
Enclosure

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

COPY

-----X
IN THE MATTER
OF
GEOFFREY KAMEN, M.D.
-----X

DETERMINATION
AND
ORDER
BPMC-23-062

A hearing was held on February 16, 2023, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **James G. Egnatchik, M.D., Chairperson, Sanford H. Levy, M.D., and Patricia E. Salkin, J.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Tina M. Champion**, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Deborah Beth Medows, Esq. A Notice of Referral Proceeding and Statement of Charges dated November 15, 2022, were duly served upon Geoffrey Kamen, M.D. (Respondent), who appeared at the hearing with his attorneys, Kevin Porter, Esq., and Brian Andrews, Esq., and provided testimony.

The Hearing Committee received and examined documents from the Department (Dept. Exs. 1-4) and the Respondent (Resp. Exs. A-C). A reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(d) for “[h]aving his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having

voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on May 12, 2006, by issuance of license number 240096. (Dept. Ex. 3.)

2. On August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (Utah Board) issued a Stipulation and Order in which the Respondent surrendered his license to practice as a physician in the Utah; agreed not to reapply for licensure as a physician in Utah for five years, and was ordered to pay a \$10,000 fine, \$5,000 of which was stayed. (Dept. Ex. 2.)

3. The Respondent neither admitted nor denied the facts contained in the Utah Stipulation and Order, but agreed that the Utah Board shall make the following findings of fact:

- a. Respondent practices telemedicine in Utah;
- b. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. The Respondent is listed as the physician authorizing the genetic test procedure and the equipment; and

c. The Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC (Nationwide). After receiving the patient's medical and personal information, the Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. The Respondent denies ordering knee braces. No order was signed or authorized by the Respondent for the knee braces. However, the Respondent was listed as the authorizing physician by Nationwide. The lab testing services were charged to Medicare. (Dept. Ex. 2.)

4. The Respondent agreed that the findings of fact constitute unprofessional conduct and unlawful conduct in Utah. (Dept. Ex. 2.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charges that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

HEARING COMMITTEE DETERMINATIONS

The Hearing Committee has thoroughly considered the evidence in this matter. It concludes that the conduct resulting in the disciplinary action in Utah, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(35) – Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient; and

Educ. Law § 6530(32) – Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

The Department recommends that the Hearing Committee impose a penalty to include a three-year stayed suspension, three years of probation with a billing monitor, a \$10,000 fine, and continuing medical education.

The Respondent testified that he is board certified in family medicine and licensed to practice

In several states and Israel. He testified that he began providing care for Nationwide after being contacted by Weatherby Healthcare, a third-party company engaged in coordinating locum tenens employment. The Respondent testified that the scope of work he performed consisted of ordering/authorizing wellness panel lab testing based off of chart review, and that he had no direct patient contact. The Respondent estimated that he was engaged in this relationship for approximately two months, earned \$20 per chart review, and reviewed approximately one hundred charts. The Respondent testified that he became suspicious of the work arrangement because "something seemed off," and that he terminated the work when there was a patient complaint and the Respondent learned that his NPI was used for an order without his authorization. The Respondent testified that he should have recognized that there was a problem with Nationwide sooner and should have quit sooner, but that there was no harm done to the patient involved and laboratory testing was not even ultimately completed. The Respondent expressed that he regrets the employment relationship and will not perform work for a company again without direct patient contact.

The Respondent testified that his decision to enter into the Stipulation and Order with license surrender in Utah was influenced by his state of mind and difficult life circumstances at the time. The Respondent testified that he was in Israel during the review by Utah and that he was unable to afford to contest the charges against him as well as unable to be present in the United States. The Respondent elaborated that he was going through a divorce, has three children, and was battling an extreme custody situation with international complications. The Respondent also testified that when he chose to sign the Utah Stipulation and Order with license surrender, he did not fully understand the ramifications. The Respondent testified that all states in which he is licensed are aware of the Utah discipline, some states have reviewed his license as a result, and none of them have penalized him. The Respondent specifically noted that he has participated in a disciplinary hearings via videoconference in Indiana and Texas.

The Hearing Committee finds that censure and reprimand is an appropriate penalty to address charges sustained against the Respondent. The Hearing Committee found the Respondent to be


credible and forthright in his testimony, believes that the Respondent has learned a valuable lesson from his experience, believes that the Respondent is not at risk for engaging in any similar employment arrangement in the future where potential for the same pitfalls exist, appreciates that the Respondent took it upon himself to terminate the employment arrangement, and feels that the Respondent has taken full responsibility for his role therein. The Hearing Committee also declines to impose probation with a billing monitor, a fine, and continuing medical education, finding that none of those penalties are reasonably related or proportionate to the sustained charges and underlying circumstances.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent is subject to censure and reprimand pursuant to PHL § 230-a(1); and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).


Dated: Orchard Park, New York
March 21, 2023


James G. Egnatchik, M.D., Chairperson
Sanford H. Levy, M.D.
Patricia E. Salkin, J.D.

Deborah Beth Medows
Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007



Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols & Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595



IN THE MATTER
OF
GEOFFREY LEE KAMEN, M.D.

STATEMENT
OF
CHARGES

Geoffrey Lee Kamen, M.D. the Respondent, was authorized to practice medicine in New York State on or about May 12, 2006, by the issuance of license number 240096 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah issued a Stipulation and Order, in which Respondent surrendered his license to practice as a physician in the State of Utah; agreed not to reapply for licensure as a physician in the State of Utah until five years has elapsed from the effective date of the Stipulation and Order, and was ordered to pay a \$10,000 fine, \$5,000 of which payment was stayed. Respondent neither admitted nor denied the findings of fact, but agreed that the Division shall make the following finding of facts:

"Respondent practices telemedicine in the State of Utah."

"In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment."

"Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient's medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare."

Respondent, while neither admitting nor denying the findings of fact, agreed that the Division shall find that the findings of fact constitute unprofessional conduct and unlawful conduct pursuant to Utah law.

1. The conduct resulting in the Utah Stipulation and Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. N.Y. Education Law § 6530 (35) (Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient), as alleged in the facts of:

i. Paragraph A and its subparagraphs.

b. N.Y. Education Law 6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

i. Paragraph A and its subparagraphs.

SPECIFICATION OF CHARGES

HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §§6530 (32) and (35), as alleged in the facts of the following:

1. The facts in Paragraph A and its subparagraphs.

DATE: November 15, 2022
New York, New York


Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

October 5, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols
and Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595

RE: In the Matter of Geoffrey Kamen, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-205) 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
Riverview Center
150 Broadway – Suite 355
Albany, New York 12204

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 solid black rectangular redaction box covering the signature of the sender.

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB:nm
Enclosure

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

COPY

In the Matter of

Geoffrey Kamen, M.D. (Respondent)

Administrative Review Board (ARB)

Determination and Order No. 23- 205

A proceeding to review a Determination by
a Committee (Committee) from the Board
for Professional Medical Conduct (BPMC)

Before ARB Members Rabin, Wilson, Milone and Reichgott
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner): Deborah Beth Medows, Esq.
For the Respondent: Kevin Porter, and Brian Andrews, Esqs.

Following the Respondent's disciplinary action by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (UT Board), a BPMC Hearing Committee determined that the Respondent's conduct constituted professional misconduct. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Petitioner asked the ARB to review that Determination. After reviewing the hearing record and the review submission, the ARB affirms the Hearing Committee's determination and modifies the penalty imposed.

Committee Determination on the Charges

Pursuant to PHL § 230 *et seq*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL § 230(10)(p). The Petitioner's Statement of Charges alleged that the Respondent committed professional misconduct under New York Education Law (Educ. Law) § 6530(9)(d), by having disciplinary action taken against his

license to practice medicine in Utah (UT license), where the conduct resulting in the disciplinary action would constitute professional misconduct if committed in New York State. In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). Following the Direct Referral Hearing, the Committee rendered the Determination now on review.

The evidence before the Committee demonstrated that on August 16, 2021, the UT Board issued a Stipulation and Order (Order) in which the Respondent surrendered his license to practice as a physician in the State of Utah and would not reapply for licensure for five years. The Respondent was also ordered to pay a \$10,000 fine, \$5,000 of which was stayed. The action against the Respondent's Utah license arose from allegations that while practicing telemedicine through a contract with Nationwide Health Advocates, LLC (Nationwide), genetic testing and knee braces were ordered unnecessarily for a Utah patient using the Respondent's license. The Respondent had no direct contact with the patient, and had no chart or file for this patient. The Respondent neither signed nor authorized the order for the testing and braces. When the Respondent learned that his National Provider Identifier (NPI) had been used without his authority, the Respondent terminated his relationship with the company through which he practiced telemedicine in Utah.

The Committee determined that the Respondent's conduct constituted professional misconduct under Educ. Law §§ 6530(9)(d) in that the conduct for which the Respondent was disciplined would violate Educ. Law § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient; and Educ. Law § 6530(35), ordering of excessive tests, treatment, or use of treatment facilities not warranted by the patient's condition; if committed in New York State.

At the hearing, the Petitioner recommended imposing the penalties of a three-year stayed suspension of the Respondent's NY license, three years of probation with a practice monitor, a \$10,000 fine, and an unspecified amount of continuing medical education. The Committee concluded that the Petitioner's proposed penalties were neither reasonably related nor proportionate to the charges, and imposed a penalty of censure and reprimand. The Committee found the Respondent credible and forthright; determined that he took full responsibility for his actions and was not at risk of engaging in a similar employment arrangement in the future.

Review History and Issues

The Committee issued its Determination on March 24, 2023. This proceeding commenced on April 10, 2023, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief, and the Respondent's reply brief. The record closed when the ARB received the reply brief on May 16, 2023.

The Petitioner asked the ARB to modify the Committee's determination by imposing the penalties the Petitioner recommended at the hearing. The Petitioner argued that the penalty imposed by the Committee was not sufficient to ensure adequate safeguards guaranteeing the Respondent's appropriate practice of medicine. The Petitioner contended that the Respondent's demonstrated a lack of judgment warranted supervision by a practice monitor and a period of probation. The Petitioner also argued that imposing a stayed suspension, requiring continued medical education, and a fine would impress on the Respondent "the responsibility of practicing with vigilance and consciousness." (Petitioner's brief @ p. 7).

The Respondent asserted that the Committee's findings that the Petitioner's proposed penalties were neither proportionate nor reasonably related to the sustained charge were appropriate and supported by the facts and circumstances of this matter.

The Respondent also argued that the Petitioner failed to offer evidence refuting the Committee's determination that the Respondent had taken learned his lesson and was not likely to commit such misconduct in the future. Although the Respondent only submitted a reply brief, indicating no issue with the Committee's determination, his attorneys requested that no sanction be imposed.

ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd., 195 A.D.2d 86, 606 N.Y.S.2d 381 (3rd Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 NYS 2d 759 (3rd Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3rd Dept. 1995). The ARB may choose to impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3rd Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

Determination

The ARB has considered the record and the parties' briefs. We affirm the Committee's determination that the Respondent's conduct constitutes professional misconduct. The ARB modifies the penalty imposed by the Committee by placing a permanent restriction on the Respondent's license, prohibiting him from practicing telemedicine for patients in New York State; suspending the Respondent's NY license for three years. The suspension is stayed while the Respondent serves a three year term of probation with a practice monitor. The suspension and probation terms are tolled unless and until such time as the Respondent chooses to relocate his medical practice to New York State.

The ARB found that the Respondent's conduct resulting in disciplinary action by the UT Board also subjected his NY license to disciplinary action. While the ARB understood that the Respondent was going through an emotional personal situation during the UT Board's investigation; the issue here concerns the Respondent's lack of judgment and inattention to his patient's treatment. The Respondent allowed Nationwide to create a medical record and chart for a patient, and then order unnecessary tests for that patient, essentially ceding his responsibility as a physician to a third party.

Order

NOW, with this Determination as our basis, the ARB renders the following
ORDER:

1. The ARB finds that the Respondent committed professional misconduct.
2. The ARB suspends the Respondent's license to practice medicine in New York for three years, with said suspension stayed unless and until the Respondent returns to practice medicine in New York.
3. The ARB imposes three years of probation to be tolled unless and until the Respondent returns to practice medicine in New York, and pursuant to the terms and conditions attached hereto as Appendix I.
4. The ARB imposes a permanent restriction on the Respondent's license to practice medicine in New York, prohibiting him from practicing telemedicine for any patient in New York State.

Linda Prescott Wilson
Jill Rabin, M.D.
Richard D. Miloné, M.D.
Michael J. Reichgott, M.D., PhD.

In the Matter of Geoffrey Kamen, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order
in the Matter of Dr. Kamen.

Dated: September 29, 2023

A black rectangular redaction box covers the signature of Linda Prescott Wilson.

Linda Prescott Wilson

In the Matter of Geoffrey Kamen, M.D.

Jill M. Rabin, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Kamen.

Dated: September 2nd, 2023



Jill M. Rabin, M.D.

In the Matter of Geoffrey Kamen, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and
Order in the Matter of Dr. Kamen.

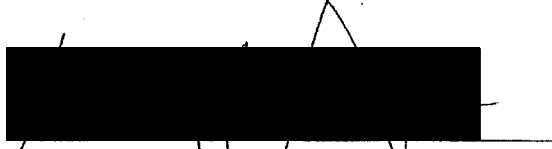
Dated: September 28, 2023


Richard D. Milone, M.D.

In the Matter of Geoffrey Kamen, M.D.

Michael J. Reichgott, M.D., PhD., an ARB Member concurs in the Determination and Order in the Matter of Dr. Kamen.

Dated: 09/27, 2023

A large black rectangular redaction box covers the signature of Michael J. Reichgott. A handwritten mark, possibly a checkmark or the letter 'A', is visible above the redaction.

Michael J. Reichgott, M.D., PhD.

APPENDIX I

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to any action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, NY 12204, with the following information, in writing, and ensure that this information is kept current: a full description of his employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state, or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to, or changes in, the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet with the Director's designee.
5. During the probation period, Respondent shall practice medicine in New York State only when monitored by a licensed physician, board certified in an appropriate specialty (practice monitor), who is proposed by Respondent and approved in writing by the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records, or access to the practice as requested by the monitor, including on-site observation. The practice monitor shall visit the Respondent's medical practice at each and every location, on a random, unannounced basis at least monthly; and shall examine a selection of no fewer than 20 records maintained by Respondent, including patient records, prescribing information, and office records. The review will determine whether Respondent's medical practice is conducted in accordance with generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care, or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.

c. Respondent shall be solely responsible for all expenses associated with monitoring, including any fees to the monitoring physician.

d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with PHL § 230(18)(b). Proof of coverage shall be provided to OPMC's Director.

6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC in writing if he is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume. Respondent shall fulfill any remaining probation terms and such additional requirements as the Director may reasonably impose related to the matters set forth in the Determination and Order, or are necessary to protect the public health.

7. OPMC's Director may review Respondent's professional performance. This review may include but shall not be limited to a review of office records, patient records, hospital charts, and/or electronic records; and periodic visits or interviews with Respondent and his staff at practice locations or OPMC offices.

8. Respondent shall comply with these probationary terms and shall bear all associated costs. Upon receiving evidence of noncompliance with, or violations of these terms, the Director of OPMC and/or Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania,	:	
Bureau of Professional and	:	
Occupational Affairs	:	
v.	:	Case No. 23-49-004812
Geoffrey L. Kamen, M.D.,	:	
Respondent	:	

**FINAL ORDER MAKING HEARING EXAMINER’S
ADJUDICATION AND ORDER FINAL**

AND NOW, this 8th day of February, 2024, noting that neither party filed an application for review and that the State Board of Medicine (Board) did not issue a Notice of Intent to Review, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner’s Adjudication and Order issued on January 12, 2024 and appended to this Order as **Attachment A**, is now the **FINAL ORDER** of the Board in this proceeding. The license to practice as a physician and surgeon of Geoffrey L. Kamen, M.D., license number MD476017, is hereby **REPRIMANDED**.

This Order is retroactive to **February 1, 2024**, twenty days from the date of mailing of the Hearing Examiner’s Adjudication and Order.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**ARION R. CLAGGETT
ACTING COMMISSIONER**

BY ORDER:

STATE BOARD OF MEDICINE



**MARK B. WOODLAND, M.S., M.D.
CHAIR**

Prothonotary Filed On:
Feb 08 2024 12:16 PM
Department of State

For Respondent:
Tracking # 9489 0090 0027 6582 3560 05

Brian M. Andrews, Esquire
Kevin Porter, Esquire
Vigorito, Barker, Patterson, Nichols & Porter LLP
300 Garden City Plaza, Ste. 100
Garden City, NY 11530

For the Commonwealth:

Keith E. Bashore, Esquire

Board Counsel:

Shana M. Walter, Esquire

Date of Mailing:

February 12, 2024

Attachment A

RECEIVED

JAN 12 2024

Department of State
Prothonotary

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :

vs. :

Geoffrey L. Kamen, M.D., :
Respondent :

Case No. 23-49-004812

ADJUDICATION AND ORDER

**Hope S. Goldhaber
Hearing Examiner**

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
OFFICE OF HEARING EXAMINERS
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 772-2686**

DOS Prothonotary:
Feb 08 2024

HISTORY

This matter comes before a hearing examiner for the State Board of Medicine (“Board”) on the Commonwealth’s filing of a single count *Order to Show Cause* (“OSC”) on April 10, 2023, against Geoffrey L. Kamen, M.D. (“Respondent”). In this single count, the Commonwealth charged that Respondent is subject to disciplinary action under Section 41(4) of the Medical Practice Act of 1985,¹ 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state, New York.

On May 16, 2023, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* (“MDF”) on grounds that Respondent received the OSC but failed to file an answer as required. Respondent did not file a response to the Commonwealth’s MDF within 10 days, as required under the General Rules of Administrative Practice and Procedure at 1 Pa. Code § 35.179. As a result, an *Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* was issued on June 12, 2023. Approximately one month later, on July 10, 2023, Respondent filed an answer to the OSC in the form of an email in which he stated that he received the mailing and that he believes this is his second or third email. As a result, on July 17, 2023, an *Order Vacating Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* was issued and, as part of that *Order*, the Office of the Prothonotary was directed to schedule this matter for a hearing.

On August 4, 2023, the Deputy Prothonotary for the Department of State issued a *Notice of Hearing*, scheduling an administrative hearing for 1:30 p.m. on October 25, 2023, in Harrisburg, Pennsylvania. The Commonwealth filed an *Amended Order to Show Cause* (“Amended OSC”) on

¹ Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. §§ 422.1-422.51a.

August 8, 2023, charging that Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession revoked by the proper licensing authority of another state, Ohio.

On August 10, 2023, Respondent filed an email which stated: “Please see attachment.” Attached to this email was a letter to Respondent from the Texas Medical Board, dated March 3, 2023. Respondent filed an email on August 29, 2023, in which he requested that the hearing be converted to a telephonic hearing. On September 6, 2023, Respondent filed an email, with attachments, in which he stated that he has inquired about a hearing and was trying to make sure it would be a video hearing. An *Order Converting Hearing to Video Hearing and Directing Exchange of Exhibits* was issued on September 13, 2023.

On September 22, 2023, Brian M. Andrews, Esquire, filed an email in which he and his co-counsel, Kevin Porter, Esquire, entered their appearance on Respondent’s behalf. On October 20, 2023, Respondent’s attorneys, who are licensed to practice law in the state of New York but not in the state of Pennsylvania, filed an email in which they requested admission to practice *pro hac vice*. On October 23, 2023, an *Order Granting Admission Pro Hac Vice* was issued.

The video hearing was held as scheduled on October 25, 2023. The Commonwealth was represented by Keith E. Bashore, Esquire, who presented the Commonwealth’s case through documentary evidence. Respondent was represented by Attorney Porter and Attorney Andrews, who presented Respondent’s case through his testimony and through documentary evidence. At the conclusion of the hearing, both parties waived the filing of post-hearing briefs. The record closed on November 14, 2023, with the filing of the hearing transcript (“N.T.”).²

² N.T. refers to the notes of testimony of the administrative hearing held on October 25, 2023.

FINDINGS OF FACT

1. Respondent holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license number MD476017. (Official Notice of Board records³)
2. Respondent's license was originally issued on October 19, 2021, and it is current through December 31, 2024. (Board records)
3. Absent further action by the Board, Respondent's license may be renewed or reactivated upon the filing of the appropriate documentation and payment of the necessary fees. (Board records)
4. At all times pertinent to the factual allegations in the Commonwealth's *Amended OSC*, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania. (Board records)
5. Respondent's last known address on file with the Board is 1787 Oceanaire Court, San Luis Obispo, CA 93405. (Board records)
6. In 2001, Respondent graduated from the Sackler School of Medicine at Tel Aviv University. (N.T. 16)
7. Respondent has been licensed to practice medicine since 2006 when he finished his residency. (N.T. 15)
8. Respondent is board-certified in family medicine. (N.T. 16)

Utah disciplinary action and reinstatement

9. On August 16, 2021, the Division of Occupational and Professional Licensing of

³ Official notice of the Board's records may be taken pursuant to the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, at § 35.173, which permits the presiding officer to take official notice of the Board's own records. *See Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007). All citations to "Board records" are based on this taking of official notice.

the Department of Commerce of the State of Utah (“Utah Division”) issued an Order approving a Stipulation between Respondent and the Utah Division by which Respondent neither admitted nor denied the following, but agreed that the Utah Division shall make the following findings of fact:

- a. Respondent was first licensed to practice as a physician in the State of Utah on or about March 21, 2019.
- b. Respondent practices telemedicine in the State of Utah. Respondent is required to inform the [Utah] Division within 10 business days of a change in mailing address or email address.
- c. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment.
- d. Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient’s medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare.
- e. Respondent desires to surrender Respondent’s license to practice as a physician in the State of Utah, along with all residual rights pertaining to said license.

(Exhibit C-1, pp. 16, 19-20)

10. As part of the Stipulation, Respondent, while neither admitting nor denying the findings of fact above, agreed that the Utah Division shall find that the findings of fact above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (m); and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(g) and that said conduct justifies disciplinary action against Respondent’s license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). (Exhibit C-1, p. 16)

11. As part of the Stipulation, Respondent surrendered his license to practice as a physician in the state of Utah and agreed not to reapply for licensure as a physician in the state of Utah until five years had elapsed from the effective date of the Stipulation and Order. (Exhibit C-1, pp. 16-17)

12. As part of the Stipulation, Respondent was required to pay a fine of \$10,000.00 (ten thousand dollars) of which \$5,000.00 (five thousand dollars) was to be immediately stayed and Respondent was required to pay the unstayed \$5,000.00 (five thousand dollar) portion of the fine to the Utah Division within 90 days from the effective date of the Stipulation and Order.⁴ (Exhibit C-1, p. 17)

13. Respondent chose to waive his right to a hearing in Utah and surrender his license because he could not afford to travel at the time due to a custody situation involving his son. (N.T. 21)

14. Respondent did not realize that the Utah disciplinary action would have a snowball effect in other states. (N.T. 22)

15. Respondent paid his fine in Utah. (N.T. 28-29)

16. Respondent applied early for the reinstatement of his license in Utah. (N.T. 22)

17. On March 28, 2023, the Utah Division reinstated Respondent's license to practice as a physician and surgeon in the state of Utah to unrestricted status, and this license is active until January 31, 2026. (N.T. 23-24; Exhibits R-2 and R-3)

Ohio disciplinary action

18. On July 12, 2023, after Respondent failed to request a hearing pursuant to a Notice

⁴ If Respondent failed to comply with any terms or conditions of the Stipulation and Order, then the Utah Division could move to lift the stay and immediately impose the stayed portion of the fine. (Exhibit C-1, p. 17)

of Opportunity for Hearing which was issued to him, the State Medical Board of Ohio (“Ohio Board”) issued Findings, Order and Journal Entry by which the Ohio Board revoked Respondent’s license to practice medicine and surgery in the state of Ohio and by which the Ohio Board required Respondent to pay a fine in the amount of \$3,500.00 (three thousand five hundred dollars). (Exhibit C-1, p. 3)

19. The rationale for the Ohio Board’s disciplinary action is set forth as follows:

The Utah Board took action against Dr. Kamen by accepting Dr. Kamen’s surrender of his Utah medical license. The Utah Board also required that Dr. Kamen was prohibited from requesting re-licensure for a period of five years. Dr. Kamen’s underlying conduct was that while Dr. Kamen was practicing telemedicine in Utah, genetic testing and knee braces were ordered for a Utah patient that documented that Dr. Kamen was the authorizing physician, when Dr. Kamen did not have a patient record documenting an order for genetic testing or knee braces. Dr. Kamen also failed to cooperate in the [Ohio] Board’s investigation by not answering interrogatories. This conduct warrants the revocation of Dr. Kamen’s license.

(Exhibit C-1, p.9)

20. Respondent is in the process of applying for a license in Ohio, and he is also appealing the Ohio disciplinary action on grounds that he did not receive the mailings from the Ohio Board. (N.T. 24-26, 30, 34-35)

Other disciplinary actions

21. In addition to Ohio, New York is the only other state that has taken any disciplinary action against Respondent based on the surrender of his license in Utah. (N.T. 27)

22. New York originally imposed a reprimand; however, on October 5, 2023, the New York Administrative Review Board for Professional Medical Conduct (“Administrative Review Board”) replaced the reprimand and, instead, suspended Respondent’s license to practice medicine in New York for three years, with said suspension stayed unless and until Respondent returns to

practice medicine in New York. (N.T. 29-30)

23. The Administrative Review Board also imposed a permanent restriction on Respondent's license to practice medicine in New York, prohibiting him from practicing telemedicine for any patient in New York state. (N.T. 30)

24. Other than the disciplinary action in Utah, and the resulting discipline in Ohio and New York, Respondent has no other disciplinary action in any state.⁵ (N.T. 16)

Respondent's current work plans

25. As of the date of the hearing on October 25, 2023, Respondent was not currently working because of his licensure issues; he last practiced about a month before the hearing. (N.T. 36-37)

26. Respondent worked at Avenal State Prison in California for more than 10 years of his career. (N.T. 35-36)

27. Respondent has not worked at Avenal State Prison for a couple of years, but he is slated to go back to work there; and, in the interim, he was mostly working at MDLIVE and K Health. (N.T. 36-37)

Notice and due process

28. Respondent was served with all pleadings, orders and notices filed of record in this matter. (Case No. 23-49-004812)

29. Respondent participated by video at the hearing held on October 25, 2023, and he was represented by counsel, who presented his case through his testimony and documentary evidence. (N.T. 5-44; Exhibits R-1, R-2, and R-3)

⁵ In Texas, the Texas Medical Board dismissed the complaint that had been filed against Respondent based on the Utah disciplinary action. (N.T. 31-32; Case No. 23-49-004812 at letter from the Texas Medical Board dated March 3, 2023)

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1-4)
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with Section 5 of the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact 28-29)
3. Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had his license to practice medicine revoked by the proper licensing authority of another state, Ohio, on July 12, 2023. (Findings of Fact 18-19)

DISCUSSION

Violation

A board-regulated practitioner in Pennsylvania who is disciplined by a proper licensing authority of another state is subject to disciplinary action in Pennsylvania under Section 41(4) of the Act as follows:

Section 41. Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

- (4) **Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, or an application for a license or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government.**

* * *

63 P.S. § 422.41(4) (Emphasis added).

In its *Amended OSC*, the Commonwealth charged that Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession revoked by the proper licensing authority of another state, Ohio. The Commonwealth's evidence consisted of a certified copy of the Ohio Board's Findings, Order and Journal Entry issued on July 12, 2023. This evidence conclusively establishes that on July 12, 2023, the Ohio Board revoked Respondent's license to practice medicine and surgery in the state of Ohio and required Respondent to pay a fine in the amount of \$3,500.00.

Therefore, the Commonwealth has met its burden of proof⁶ on the single count of the *Amended OSC*.

Sanction

Section 42(a) of the Act, 63 P.S. § 422.42(a), sets forth the type of disciplinary or corrective actions that may be imposed for violations of the Act, including Respondent's violation of Section 41(4) of the Act. Specifically, Section 42(a) of the Act provides, in relevant part, as follows:

Section 42. Types of corrective action

(a) Authorized actions.—When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

* * *

- (2) Administer a public reprimand with or without probation.
- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40,⁷ and place a board-regulated

⁶ The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *appeal denied*, 602 A.2d 863 (Pa. 1992). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

⁷ 63 P.S. § 422.40.

practitioner on probation with the right to vacate the probationary order for noncompliance.

* * *

63 P.S. § 422.42(a). Additionally, the Board is authorized under 63 Pa. C.S. § 3108(b)(4) to levy a civil penalty of up to \$10,000.00 per violation of the Act.

At the conclusion of the hearing, the parties gave closing statements. In his closing statement, Respondent's attorney argued that the focus should be on the fact that the state of Utah, where the underlying conduct occurred, reinstated Respondent's license to unrestricted status over three years early and, as a result, Respondent is now able to practice telemedicine in the state of Utah. (N.T. 39-41) In his closing statement, the prosecuting attorney recommended that a public reprimand and a civil penalty of \$1,000.00 be imposed. (N.T. 41) In making this recommendation, the prosecuting attorney agreed with Respondent's attorney that the focus should be on the disciplinary action in Utah. (N.T. 41) In addition, the prosecuting attorney stated his belief that the disciplinary actions in the states of Ohio and New York are excessive. (N.T. 41)

The Commonwealth filed its *Amended OSC* on the basis of disciplinary action taken against Respondent's license in Ohio, and not on the basis of disciplinary action taken against Respondent's licenses in Utah and New York. However, in determining the sanction in this case, the hearing examiner agrees with the parties that the focus should be on the disciplinary action in Utah because the disciplinary actions in Ohio and New York were based on the disciplinary action in Utah. Although the discipline in Utah was serious in that Respondent surrendered his license in Utah on August 16, 2021, and agreed not to reapply for licensure until five years had elapsed, the overriding consideration is that the Utah Division reinstated Respondent's license to unrestricted status on March 28, 2023, more than three years early. For that reason, the hearing examiner agrees with the Commonwealth's recommendation of a public reprimand. A public reprimand will protect

the public health and safety because it will alert Pennsylvania's citizens to Respondent's disciplinary actions in Utah, Ohio, and New York, thereby allowing anyone who inquires to make an informed decision based upon the public information available.

As for the prosecuting attorney's recommendation of a civil penalty of \$1,000.00, it is important to note that the underlying conduct occurred in Utah, and the Utah Division has already imposed a substantial civil penalty of \$5,000.00. In addition, the Ohio Board imposed a civil penalty of \$3,500.00. It is not necessary to impose an additional civil penalty in Pennsylvania for purposes of added deterrence.

Accordingly, based upon the foregoing, the following order shall issue:

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs	:	
	:	
	:	
vs.	:	Case No. 23-49-004812
	:	
	:	
Geoffrey L. Kamen, M.D., Respondent	:	

ORDER

AND NOW, this 12th day of January 2024, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby **ORDERED** that the license to practice medicine and surgery issued to Respondent, **Geoffrey L. Kamen, M.D.**, license no. MD476017, is **REPRIMANDED**.

This Order shall take effect twenty (20) days from the date of mailing shown below, unless otherwise ordered by the State Board of Medicine.

BY ORDER:



**Hope S. Goldhaber
Hearing Examiner**

For Respondent: Brian M. Andrews, Esquire
Kevin Porter, Esquire
VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP
300 Garden City Plaza, Ste. 100
Garden City, New York 11530

Also sent by email: b.andrews@vbpnplaw.com
kevin.porter@vbpnplaw.com

For the Commonwealth: Keith E. Bashore, Esquire
Prosecuting Attorney
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
P.O. Box 69521
Harrisburg, PA 17106-9521

Also sent by email: kbashore@pa.gov

Date of Mailing: January 12, 2024

DOS Prothonotary:
Feb 08 2024

NOTICE

REHEARING AND/OR RECONSIDERATION: A party may file an application for rehearing or reconsideration within 15 days of the mailing date of this adjudication and order. The application must be captioned "*Application for Rehearing*," "*Application for Reconsideration*," or "*Application for Rehearing or Reconsideration*." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

APPEAL TO BOARD: An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party within 20 days of the date of mailing of this adjudication and order. The application must be captioned "*Application for Review*." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

STAY OF HEARING EXAMINER'S ORDER: Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of the hearing examiner's order, the party must file an application for stay directed to the Board.

FILING AND SERVICE: The application for rehearing and/or reconsideration shall be filed with:

Prothonotary
P.O. Box 2649
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 69523
Harrisburg, PA 17106-9523

The name of the individual Board Counsel is identified on the Final Order.

FILED DATE: FEB 26 2024
Department of Health
By: *[Signature]*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-34049
LICENSE NO.: ME00142055

GEOFFREY KAMEN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 2, 2024, in Jacksonville, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$4,007.67.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 16th day of February, 2024.

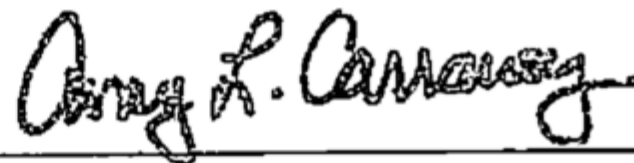
BOARD OF MEDICINE



Paul A. Vazquez, J.D., Executive Director
For Nicholas W. Romanello Esquire, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Geoffrey Kamen, M.D., 1787 Oceanaire Court, San Luis Obispo, CA 93405 and Robert J. Cousins, Esq., Quintairos, Prieto, Wood & Boyer, P.A., 2400 East Commercial Blvd., Ste. 520, Fort Lauderdale, FL 33308; by email to: Robert J. Cousins, Esq., at rcousins@gpwblaw.com; Andrew Pietrylo, Chief Legal Counsel, Department of Health, at Andrew.Pietrylo@flhealth.gov; and Christopher R. Dierlam, Senior Assistant Attorney General, at Christopher.Dierlam@myfloridalegal.com this 26 day of February, 2024.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2021 - 34049

GEOFFREY LEE KAMEN, M.D.,

Respondent.

_____ /

SETTLEMENT AGREEMENT

Petitioner, Department of Health ("Department"), and Respondent, Geoffrey Lee Kamen, M.D., pursuant to section 120.57(4), Florida Statutes, offer this Settlement Agreement ("Agreement") and agree to the entry of a Final Order of the Board of Medicine ("Board") incorporating this Agreement as disposition of this matter, in lieu of any other administrative proceedings.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 142055.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 456 and/or 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 456 and/or 458, Florida Statutes.
3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter of Concern** – The Board shall issue a Letter of Concern against Respondent's license.
2. **Fine** – The Board shall impose an administrative fine of \$5,000.00 against Respondent's license which Respondent shall pay to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All fines shall be paid by cashier's check or money order. Payments must be made within one hundred eighty (180) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

3. **Reimbursement of Costs** – Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is **\$7,625.85 but shall not exceed \$9,700.00**. Respondent shall pay such Department costs to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All costs shall be paid by cashier's check or money order. Payments must be made within one hundred eighty (180) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

4. **Laws, Rules, and Ethics Course** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in laws, rules, and ethics within one (1) year from the date the Final Order is filed.

5. **Continuing Medical Education** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in telehealth medicine within one (1) year from the date the Final Order is filed.

STANDARD PROVISIONS

1. **Appearance** – Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** – It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the

Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within fifteen (15) days of any changes of said addresses

5. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine to include, but not limited to, all statutory requirements related to practitioner profile and licensure renewal updates. Prior to presentation of this Agreement to the Board, Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** – It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** – Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any

stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No Preclusion of Additional Proceedings** – Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.


9. **Waiver of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** – Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

[Signatures appear on the following page.]



SIGNED this 19 day of JANUARY ~~FEBRUARY~~, 2024.



Geoffrey Lee Kamen, M.D.

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME personally appeared _____, whose identity is known to me or who produced _____ (type of identification) and who, under oath, acknowledges that their signature appears above.

SWORN TO and subscribed before me this _____ day of _____, 2024.

NOTARY PUBLIC

My Commission Expires:

APPROVED this 22nd day of January 2024.

See Attached for
Notary Certificate

Joseph A. Ladapo, MD, PhD
State Surgeon General

Shaunda L. Brown

By: Shaunda L. Brown
Assistant General Counsel
Department of Health

California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN LUIS OBISPO

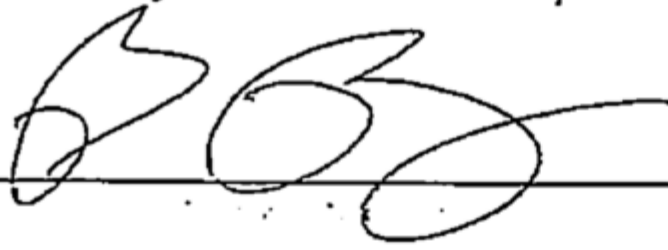
S.S.

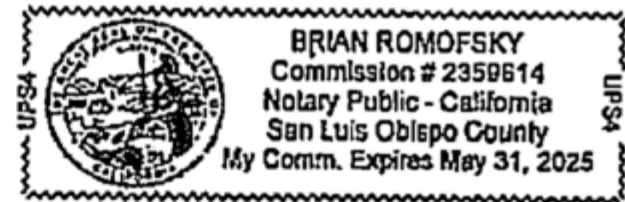
Subscribed and sworn to (or affirmed) before me on this 19TH day of JANUARY

2024, by GEOFFREY LEE KAMEN and

_____, proved to me on the basis of

satisfactory evidence to be the person(s) who appeared before me.





OPTIONAL INFORMATION

When affiant information is provided, the notary public is required to provide a copy of the information to the affiant and to retain a copy of the information for the notary's records. The information should be retained for the duration of the notary's term of office.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

SETTLEMENT AGREEMENT

containing SEVEN pages, and dated JAN 19, 2024

Method of Affiant Identification
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # _____ Entry # _____
Notary contact: _____
Other <input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*

DATE: April 24, 2023

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2021-34049

GEOFFREY KAMEN, M.D.,

Respondent.

_____ /

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, the Department of Health, files this Administrative Complaint before the Board of Medicine against Respondent, Geoffrey Kamen, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, license number ME 142055.

3. Respondent's address of record is 1787 Oceanaire Court, San Luis Obispo, California 93405.

4. Respondent was licensed to practice medicine in the state of Utah by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah, (UDOPL), the licensing authority regulating the practice of medicine in Utah.

5. On or about August 16, 2021, the UDOPL acted against Respondent's Utah medical license, license number 1117002-1205, via a Stipulation and Order ("Order").

6. Per the Utah Order, it was alleged that Respondent failed to comply with legal obligations related to practicing telemedicine by unnecessarily ordering lab testing for a patient he had no contact with.

7. Per the Utah Order, it was alleged Respondent failed to comply with legal obligations by authorizing knee braces for a patient he had no contact with.

8. Pursuant to the Order, Respondent surrendered his Utah medical license and all residual rights pertaining to the Utah medical license.

9. Pursuant to the Order, Respondent agreed not to reapply for licensure as a physician in the state of Utah for a period of five years.

10. Pursuant to the Order, Respondent agreed to pay a fine of \$10,000, of which \$5,000 was stayed.

11. Pursuant to the Order, Respondent acknowledged that the disciplinary action taken by the UDOPL may adversely affect any license that Respondent may possess in another state, or any application for licensure.

12. Respondent failed to report the UDOPL action to the Florida Board of Medicine, in writing, within 30 days.

13. Respondent failed to update his Florida practitioner profile to disclose the August 16, 2021, UDOPL Order within fifteen days.

Count I
Out of State Discipline Action

14. Petitioner re-alleges and incorporates by reference, herein, paragraphs one (1) through thirteen (13), as fully set forth above.

15. Section 458.331(1)(b), Florida Statutes (2022), provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, constitutes grounds for disciplinary action by the Board of Medicine. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

16. On or about August 16, 2021, the UDOPL acted against Respondent's Utah medical license via the above-referenced Order.

17. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2022).

Count II
Failure to Report to the Board
Within 30-days

18. Petitioner re-alleges and incorporates by reference, herein, paragraphs one (1) through thirteen (13), as fully set forth above.

19. Section 458.331(1) (kk), Florida Statutes (2022), provides that failing to report to the Board of Medicine, in writing, within 30 days, when action, as defined in Section 458.331(1) (b), Florida Statutes, is taken against one's license to practice as a physician in another state, territory or country, constitutes grounds for discipline by the Board of Medicine.

20. Respondent failed to report the August 16, 2021, discipline action taken against his Utah medical license by the UDOPL to the Florida Board of Medicine, in writing, within 30 days.

21. Based on the foregoing, Respondent has violated Section 458.331(1) (kk), Florida Statutes (2022).

Count III
Licensure Requirements

22. Petitioner re-alleges and incorporates, by reference, paragraphs one (1) through thirteen (13) as if fully set forth herein.

23. Pursuant to Section 456.039 (1) (a) 8., Florida Statutes (2022), an applicant or licensee must provide a description of any final disciplinary action taken within the previous ten (10) years against him or her by the agency regulating the profession that he or she is or has been licensed to practice, whether in the state of Florida or any other jurisdiction.

24. Section 456.042, Florida Statutes (2022), provides that a practitioner must submit updates of required information within fifteen (15) days after the final activity that renders such information a fact. An updates profile is subject to the same requirements as an original profile.

25. Section 456.072 (1) (w), Florida Statutes (2022), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, is grounds for discipline by the Florida Board of medicine.

26. Respondent failed to update his Florida Practitioner profile to disclose the August 16, 2021 discipline action taken against his Utah medical license by the UDOPL.

27. Based upon the foregoing, Respondent violated Section 456.072 (1) (w), Florida Statutes (2022), by failing to timely update his practitioner profile.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this April 21, 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

/s/Shanda Brown

Shanda Brown
Assistant General Counsel
Florida Bar Number 96290
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65

Tallahassee, Florida 32399-3265
Telephone: (850) 558-9874
Facsimile: (850) 245-4684
Email: Shaunda.brown@flhealth.gov

PCP Date: April 21, 2023
PCP Members: Georges El-Bahri, M.D., Hector Vila, M.D., Nicholas Romanello .

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF : CASE NUMBER
: :
GEOFFREY L. KAMEN, M.D. : 24-CRF-0108

ORDER AND ENTRY

On or about June 12, 2024, the State Medical Board of Ohio issued a Notice of Opportunity for Hearing to Geoffrey L. Kamen, M.D., the Respondent in this matter, which made certain allegations related to his application for an Ohio license to practice allopathic medicine and surgery. Dr. Kamen requested a hearing, but no presentation of evidence has commenced.

Following issuance of the Notice of Opportunity for Hearing to Dr. Kamen, the Board has subsequently determined that there was a drafting error in the Notice and that the issuance of a new Notice is necessary for due process purposes. Therefore, it is ORDERED that the June 12, 2024 Notice of Opportunity for Hearing previously issued to Dr. Kamen is hereby DISMISSED WITHOUT PREJUDICE.

This Order is entered by the State Medical Board of Ohio and on its behalf.



Kim G. Rothermel, M.D., Secretary

12/10/24

Date



Harish Kakarala, M.D., Supervising Member

12/10/24

Date

Geoffrey L. Kamen, M.D.
793 E. Foothill Blvd Ste A117
San Luis Obispo, CA 93405

geoffreykame@gmail.com

CERTIFIED MAIL # _____
RETURN RECEIPT REQUESTED



June 12, 2024

Case number: 24-CRF-0108

Geoffrey L. Kamen, M.D.
793 E. Foothill Blvd. Ste. A117
San Luis Obispo, CA 93405-1615

whitney@medicallicensepro.com

Dear Doctor Kamen:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about May 8, 2019, the Board granted you a license to practice medicine and surgery in Ohio. In an order dated July 12, 2023, the Board revoked your license to practice medicine and surgery [Ohio order].
- (2) On or about October 12, 2023, you applied to have your license to practice medicine and surgery reinstated [Reinstatement Application]. That Reinstatement Application remains pending.
- (3) On your Reinstatement Application, you answered YES to the following questions:

Has any board, bureau, department, agency or other body, including those in Ohio, in any way limited, restricted, suspended, or revoked any professional license, certificate or registration granted to you; placed you on probation; or imposed a fine, censure or reprimand against you?

Have you ever voluntarily surrendered, resigned, or otherwise forfeited any professional license, certificate or registration issued to you by any board, bureau, department, agency, or other body; or have you ever withdrawn any application for licensure, relicensure, or examination, in any state (including Ohio), territory, province or country?

You have held licenses to practice medicine and surgery that have been the subject of disciplinary action in at least four states in addition to Ohio.

- (a) In or around August 2021, you entered into a Stipulation and Order [Utah Stipulation] with the Utah Department of Commerce, Division of Occupational and Professional Licensing [Utah Department]. The Utah Stipulation alleged that, while you were practicing telemedicine in Utah, genetic testing and knee braces were ordered for a Utah patient documenting you as the authorizing physician, although you had no patient record documenting an order for the genetic testing or knee braces. According to the terms of the Utah Stipulation, you agreed to surrender your Utah medical license and agreed not to request re-licensure for a period of five years. You also were required to pay a fine of \$10,000, of which \$5,000 was stayed. In an Order dated August 16, 2021 [Utah Order], the Utah Department adopted the Utah Stipulation. A copy of the Utah Stipulation and Utah Order are attached hereto and incorporated herein.
- (b) On or about March 21, 2023, the New York Department of Health, State Board for Professional Medical Conduct [New York Board] issued a Determination and Order [March 2023 New York Order], finding that you had engaged in professional misconduct. The New York Order was based on the Utah Order, including the facts set forth therein, as well as the additional information you had provided to the New York Board. The New York Board issued a censure and reprimand.

Subsequently, the New York Department of Health requested a review the New York Order by the New York Department of Health Administrative Review Board for Professional Medical Conduct [New York Review Board]. In a Determination and Order mailed on or about October 5, 2023 [October 2023 New York Order], the New York Review Board suspended your New York medical license for three years, stayed the suspension, and imposed a period of probation of three years, to be tolled until you returned to practice medicine in New York. The New York Review Board also imposed a permanent restriction on your New York medical license, prohibiting you from practicing telemedicine for any patient in New York state.

A copy of the March 2023 New York Order and the October 2023 New York Order are attached hereto and incorporated herein.

- (c) On or about April 10, 2023, before the Pennsylvania Board of Medicine [Pennsylvania Board], a show cause order was issued to you, based on the disciplinary action taken in New York. On or about August 8, 2023, an amended show cause order was issued against you, based on the Ohio Order. In a Final Order issued February 8, 2024 [Pennsylvania Order], the Pennsylvania Board reprimanded you. A copy of the Pennsylvania Order is attached hereto and incorporated herein.
- (d) On or about April 24, 2023, the Florida Department of Health [Florida Department] filed an Amended Administrative Complaint [Florida Complaint] against you, based in part on the Utah Order. In or around January 2024, you entered into a Settlement Agreement [Florida Agreement] with the Florida

Department. Under the terms of the Florida Agreement, you would be issued a Letter of Concern and fined \$5,000.00. In a Final Order [Florida Order] issued February 16, 2024, the Florida Board of Medicine [Florida Board] adopted the Florida Agreement. A copy of the Florida Complaint, the Florida Agreement and the Florida Order are attached hereto and incorporated herein.

The Ohio Order as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Utah Stipulation and the Utah Order as alleged in paragraph (3)(a) above, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The March 2023 New York Order and the October 2023 New York Order as alleged in paragraph (3)(b) above, constitute “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Pennsylvania Order as alleged in paragraph (3)(c) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Florida Order as alleged in paragraph (3)(d) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of service of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of service of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Sincerely,



Kim G. Rothermel, M.D.
Secretary

KGR/CDP/lv
Enclosures

Via email: whitney@medicallicensepro.com

cc: Michael Kamen
120 Carriage Dr., Ste 202
Chagrin Falls, Ohio 44022

Via email: mkamenesq@gmail.com

CC: Geoffrey L. Kamen, M.D.
geoffreykamen@gmail.com

VALERIE M. WILDE (U.S.B. 7345)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
TEL: (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
GEOFFREY LEE KAMEN) **STIPULATION AND ORDER**
UTAH LICENSE #11170002-1205)
TO PRACTICE AS A PHYSICIAN)
IN THE STATE OF UTAH)
) **CASE NO. DOPL 2021- 249**

GEOFFREY LEE KAMEN ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-902. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent neither admits nor denies the following, but agrees that the Division shall make the following findings of fact:

- a. Respondent was first licensed to practice as a physician in the State of Utah on or about March 21, 2019.
- b. Respondent practices telemedicine in the State of Utah. Respondent is required to inform the Division within 10 business days of a change in mailing address or email address.
- c. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment.
- d. Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient's medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare.
- e. Respondent desires to surrender Respondent's license to practice as a physician in the State of Utah, along with all residual rights pertaining to said license.

8. Respondent, while neither admitting nor denying the findings of fact above, agrees that the Division shall find that the findings of fact above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (m); and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(g) and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's licenses to practice as a physician in the State of Utah, as well as all residual rights pertaining to said license. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary

action by the Division pursuant to Utah Administrative Code R 156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees not to reapply for licensure as a physician in the State of Utah until five years has elapsed from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a physician and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division. Respondent shall pay a fine of \$10,000.00 (ten thousand dollars), pursuant to Utah Code Ann. § 58-67-503, to the Division. Of that total fine, \$5,000.00 (five thousand dollars) shall be immediately stayed. If Respondent fails to comply with any term or condition of this Stipulation and Order, then the Division may move to lift the stay and immediately impose the stayed portion of the fine. Respondent shall pay the unstayed \$5,000.00 (five thousand dollar) portion of the fine to the Division within 90 days from the effective date of this Stipulation and Order.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes

and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

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DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

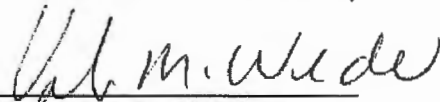
BY: 
LARRY MARX
Bureau Manager

BY: 
GEOFFREY LEE KAMEN

DATE: 8/10/2021

DATE: 8/9/2021

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: 
VALERIE M. WILDE
Counsel for the Division

DATE: 8/10/21

ORDER

THE ABOVE STIPULATION, in the matter of **GEOFFREY LEE KAMEN**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 16 day of August, 2021.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator: Kevin Nitzel



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

March 24, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols
and Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595

RE: In the Matter of Geoffrey Kamen, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-062) 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. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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:

Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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 Judge Carney 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,

A solid black rectangular box redacting the signature of the sender.

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: Cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
GEOFFREY KAMEN, M.D.
-----X

DETERMINATION
AND
ORDER
BPMC-23-062

A hearing was held on February 16, 2023, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **James G. Egnatchik, M.D., Chairperson, Sanford H. Levy, M.D., and Patricia E. Salkin, J.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Tina M. Champion**, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Deborah Beth Medows, Esq. A Notice of Referral Proceeding and Statement of Charges dated November 15, 2022, were duly served upon Geoffrey Kamen, M.D. (Respondent), who appeared at the hearing with his attorneys, Kevin Porter, Esq., and Brian Andrews, Esq., and provided testimony.

The Hearing Committee received and examined documents from the Department (Dept. Exs. 1-4) and the Respondent (Resp. Exs. A-C). A reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(d) for “[h]aving his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having

voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on May 12, 2006, by issuance of license number 240096. (Dept. Ex. 3.)

2. On August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (Utah Board) issued a Stipulation and Order in which the Respondent surrendered his license to practice as a physician in the Utah; agreed not to reapply for licensure as a physician in Utah for five years, and was ordered to pay a \$10,000 fine, \$5,000 of which was stayed. (Dept. Ex. 2.)

3. The Respondent neither admitted nor denied the facts contained in the Utah Stipulation and Order, but agreed that the Utah Board shall make the following findings of fact:

- a. Respondent practices telemedicine in Utah;
- b. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. The Respondent is listed as the physician authorizing the genetic test procedure and the equipment; and

c. The Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC (Nationwide). After receiving the patient's medical and personal information, the Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. The Respondent denies ordering knee braces. No order was signed or authorized by the Respondent for the knee braces. However, the Respondent was listed as the authorizing physician by Nationwide. The lab testing services were charged to Medicare. (Dept. Ex. 2.)

4. The Respondent agreed that the findings of fact constitute unprofessional conduct and unlawful conduct in Utah. (Dept. Ex. 2.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charges that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

HEARING COMMITTEE DETERMINATIONS

The Hearing Committee has thoroughly considered the evidence in this matter. It concludes that the conduct resulting in the disciplinary action in Utah, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(35) – Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient; and

Educ. Law § 6530(32) – Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

The Department recommends that the Hearing Committee impose a penalty to include a three-year stayed suspension, three years of probation with a billing monitor, a \$10,000 fine, and continuing medical education.

The Respondent testified that he is board certified in family medicine and licensed to practice

in several states and Israel. He testified that he began providing care for Nationwide after being contacted by Weatherby Healthcare, a third-party company engaged in coordinating locum tenens employment. The Respondent testified that the scope of work he performed consisted of ordering/authorizing wellness panel lab testing based off of chart review, and that he had no direct patient contact. The Respondent estimated that he was engaged in this relationship for approximately two months, earned \$20 per chart review, and reviewed approximately one hundred charts. The Respondent testified that he became suspicious of the work arrangement because "something seemed off," and that he terminated the work when there was a patient complaint and the Respondent learned that his NPI was used for an order without his authorization. The Respondent testified that he should have recognized that there was a problem with Nationwide sooner and should have quit sooner, but that there was no harm done to the patient involved and laboratory testing was not even ultimately completed. The Respondent expressed that he regrets the employment relationship and will not perform work for a company again without direct patient contact.

The Respondent testified that his decision to enter into the Stipulation and Order with license surrender in Utah was influenced by his state of mind and difficult life circumstances at the time. The Respondent testified that he was in Israel during the review by Utah and that he was unable to afford to contest the charges against him as well as unable to be present in the United States. The Respondent elaborated that he was going through a divorce, has three children, and was battling an extreme custody situation with international complications. The Respondent also testified that when he chose to sign the Utah Stipulation and Order with license surrender, he did not fully understand the ramifications. The Respondent testified that all states in which he is licensed are aware of the Utah discipline, some states have reviewed his license as a result, and none of them have penalized him. The Respondent specifically noted that he has participated in disciplinary hearings via videoconference in Indiana and Texas.

The Hearing Committee finds that censure and reprimand is an appropriate penalty to address charges sustained against the Respondent. The Hearing Committee found the Respondent to be


credible and forthright in his testimony, believes that the Respondent has learned a valuable lesson from his experience, believes that the Respondent is not at risk for engaging in any similar employment arrangement in the future where potential for the same pitfalls exist, appreciates that the Respondent took it upon himself to terminate the employment arrangement, and feels that the Respondent has taken full responsibility for his role therein. The Hearing Committee also declines to impose probation with a billing monitor, a fine, and continuing medical education, finding that none of those penalties are reasonably related or proportionate to the sustained charges and underlying circumstances.

ORDER


Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent is subject to censure and reprimand pursuant to PHL § 230-a(1); and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

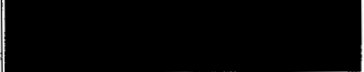
Dated: Orchard Park, New York
March 21, 2023


James G. Egnatchik, M.D., Chairperson
Sanford H. Levy, M.D.
Patricia E. Salkin, J.D.

Deborah Beth Medows
Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007



Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols & Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595



IN THE MATTER
OF
GEOFFREY LEE KAMEN, M.D.

STATEMENT
OF
CHARGES

Geoffrey Lee Kamen, M.D. the Respondent, was authorized to practice medicine in New York State on or about May 12, 2006, by the issuance of license number 240096 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 16, 2021, the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah issued a Stipulation and Order, in which Respondent surrendered his license to practice as a physician in the State of Utah; agreed not to reapply for licensure as a physician in the State of Utah until five years has elapsed from the effective date of the Stipulation and Order, and was ordered to pay a \$10,000 fine, \$5,000 of which payment was stayed. Respondent neither admitted nor denied the findings of fact, but agreed that the Division shall make the following finding of facts:

“Respondent practices telemedicine in the State of Utah.”

"In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment."

"Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient's medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare."

Respondent, while neither admitting nor denying the findings of fact, agreed that the Division shall find that the findings of fact constitute unprofessional conduct and unlawful conduct pursuant to Utah law.

1. The conduct resulting in the Utah Stipulation and Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. N.Y. Education Law § 6530 (35) (Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient), as alleged in the facts of:

i. Paragraph A and its subparagraphs.

b. N.Y. Education Law 6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

i. Paragraph A and its subparagraphs.

SPECIFICATION OF CHARGES

HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §§6530 (32) and (35), as alleged in the facts of the following:

1. The facts in Paragraph A and its subparagraphs.

DATE: November 15, 2022
New York, New York



Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

October 5, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Kevin D. Porter, Esq.
Brian M. Andrews, Esq.
Vigorito, Barker, Patterson, Nichols
and Porter, LLP
115 E. Stevens Avenue, Suite 206
Valhalla, New York 10595

RE: In the Matter of Geoffrey Kamen, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-205) 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
Riverview Center
150 Broadway – Suite 355
Albany, New York 12204

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 large black rectangular redaction box covering the signature of the sender.

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB:nm
Enclosure

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

COPY

In the Matter of

Geoffrey Kamen, M.D. (Respondent)

Administrative Review Board (ARB)

Determination and Order No. 23- 205

A proceeding to review a Determination by
a Committee (Committee) from the Board
for Professional Medical Conduct (BPMC)

Before ARB Members Rabin, Wilson, Milone and Reichgott
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner):

Deborah Beth Medows, Esq.

For the Respondent:

Kevin Porter, and Brian Andrews, Esqs.

Following the Respondent's disciplinary action by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (UT Board), a BPMC Hearing Committee determined that the Respondent's conduct constituted professional misconduct. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Petitioner asked the ARB to review that Determination. After reviewing the hearing record and the review submission, the ARB affirms the Hearing Committee's determination and modifies the penalty imposed.

Committee Determination on the Charges

Pursuant to PHL § 230 *et seq*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL § 230(10)(p). The Petitioner's Statement of Charges alleged that the Respondent committed professional misconduct under New York Education Law (Educ. Law) § 6530(9)(d), by having disciplinary action taken against his

license to practice medicine in Utah (UT license), where the conduct resulting in the disciplinary action would constitute professional misconduct if committed in New York State. In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). Following the Direct Referral Hearing, the Committee rendered the Determination now on review.

The evidence before the Committee demonstrated that on August 16, 2021, the UT Board issued a Stipulation and Order (Order) in which the Respondent surrendered his license to practice as a physician in the State of Utah and would not reapply for licensure for five years. The Respondent was also ordered to pay a \$10,000 fine, \$5,000 of which was stayed. The action against the Respondent's Utah license arose from allegations that while practicing telemedicine through a contract with Nationwide Health Advocates, LLC (Nationwide), genetic testing and knee braces were ordered unnecessarily for a Utah patient using the Respondent's license. The Respondent had no direct contact with the patient, and had no chart or file for this patient. The Respondent neither signed nor authorized the order for the testing and braces. When the Respondent learned that his National Provider Identifier (NPI) had been used without his authority, the Respondent terminated his relationship with the company through which he practiced telemedicine in Utah.

The Committee determined that the Respondent's conduct constituted professional misconduct under Educ. Law §§ 6530(9)(d) in that the conduct for which the Respondent was disciplined would violate Educ. Law § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient; and Educ. Law § 6530(35), ordering of excessive tests, treatment, or use of treatment facilities not warranted by the patient's condition; if committed in New York State.

At the hearing, the Petitioner recommended imposing the penalties of a three-year stayed suspension of the Respondent's NY license, three years of probation with a practice monitor, a \$10,000 fine, and an unspecified amount of continuing medical education. The Committee concluded that the Petitioner's proposed penalties were neither reasonably related nor proportionate to the charges, and imposed a penalty of censure and reprimand. The Committee found the Respondent credible and forthright; determined that he took full responsibility for his actions and was not at risk of engaging in a similar employment arrangement in the future.

Review History and Issues

The Committee issued its Determination on March 24, 2023. This proceeding commenced on April 10, 2023, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief, and the Respondent's reply brief. The record closed when the ARB received the reply brief on May 16, 2023.

The Petitioner asked the ARB to modify the Committee's determination by imposing the penalties the Petitioner recommended at the hearing. The Petitioner argued that the penalty imposed by the Committee was not sufficient to ensure adequate safeguards guaranteeing the Respondent's appropriate practice of medicine. The Petitioner contended that the Respondent's demonstrated a lack of judgment warranted supervision by a practice monitor and a period of probation. The Petitioner also argued that imposing a stayed suspension, requiring continued medical education, and a fine would impress on the Respondent "the responsibility of practicing with vigilance and consciousness." (Petitioner's brief @ p. 7).

The Respondent asserted that the Committee's findings that the Petitioner's proposed penalties were neither proportionate nor reasonably related to the sustained charge were appropriate and supported by the facts and circumstances of this matter.

The Respondent also argued that the Petitioner failed to offer evidence refuting the Committee's determination that the Respondent had taken learned his lesson and was not likely to commit such misconduct in the future. Although the Respondent only submitted a reply brief, indicating no issue with the Committee's determination, his attorneys requested that no sanction be imposed.

ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd., 195 A.D.2d 86, 606 N.Y.S.2d 381 (3rd Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 NYS 2d 759 (3rd Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3rd Dept. 1995). The ARB may choose to impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3rd Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

Determination

The ARB has considered the record and the parties' briefs. We affirm the Committee's determination that the Respondent's conduct constitutes professional misconduct. The ARB modifies the penalty imposed by the Committee by placing a permanent restriction on the Respondent's license, prohibiting him from practicing telemedicine for patients in New York State; suspending the Respondent's NY license for three years. The suspension is stayed while the Respondent serves a three year term of probation with a practice monitor. The suspension and probation terms are tolled unless and until such time as the Respondent chooses to relocate his medical practice to New York State.

The ARB found that the Respondent's conduct resulting in disciplinary action by the UT Board also subjected his NY license to disciplinary action. While the ARB understood that the Respondent was going through an emotional personal situation during the UT Board's investigation; the issue here concerns the Respondent's lack of judgment and inattention to his patient's treatment. The Respondent allowed Nationwide to create a medical record and chart for a patient, and then order unnecessary tests for that patient, essentially ceding his responsibility as a physician to a third party.

Order

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB finds that the Respondent committed professional misconduct.
2. The ARB suspends the Respondent's license to practice medicine in New York for three years, with said suspension stayed unless and until the Respondent returns to practice medicine in New York.
3. The ARB imposes three years of probation to be tolled unless and until the Respondent returns to practice medicine in New York, and pursuant to the terms and conditions attached hereto as Appendix I.
4. The ARB imposes a permanent restriction on the Respondent's license to practice medicine in New York, prohibiting him from practicing telemedicine for any patient in New York State.

Linda Prescott Wilson
Jill Rabin, M.D.
Richard D. Milone, M.D.
Michael J. Reichgott, M.D., PhD.

In the Matter of Geoffrey Kamen, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order
in the Matter of Dr. Kamen.

Dated: September 29, 2023


Linda Prescott Wilson

In the Matter of Geoffrey Kamen, M.D.

Jill M. Rabin, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Kamen.

Dated: September 2nd, 2023

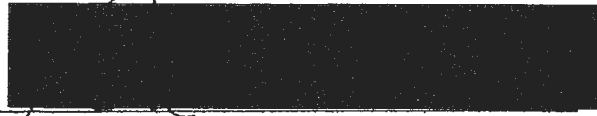


Jill M. Rabin, M.D.

In the Matter of Geoffrey Kamen, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and
Order in the Matter of Dr. Kamen.

Dated: September 28, 2023



Richard D. Milone, M.D.

In the Matter of Geoffrey Kamen, M.D.

Michael J. Reichgott, M.D., PhD., an ARB Member concurs in the Determination and Order in the Matter of Dr. Kamen.

Dated: 09/27, 2023



Michael J. Reichgott, M.D., PhD.

APPENDIX I

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to any action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, NY 12204, with the following information, in writing, and ensure that this information is kept current: a full description of his employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state, or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to, or changes in, the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet with the Director's designee.
5. During the probation period, Respondent shall practice medicine in New York State only when monitored by a licensed physician, board certified in an appropriate specialty (practice monitor), who is proposed by Respondent and approved in writing by the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records, or access to the practice as requested by the monitor, including on-site observation. The practice monitor shall visit the Respondent's medical practice at each and every location, on a random, unannounced basis at least monthly; and shall examine a selection of no fewer than 20 records maintained by Respondent, including patient records, prescribing information, and office records. The review will determine whether Respondent's medical practice is conducted in accordance with generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care, or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
- c. Respondent shall be solely responsible for all expenses associated with monitoring, including any fees to the monitoring physician.
- d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with PHL § 230(18)(b). Proof of coverage shall be provided to OPMC's Director.
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC in writing if he is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume. Respondent shall fulfill any remaining probation terms and such additional requirements as the Director may reasonably impose related to the matters set forth in the Determination and Order, or are necessary to protect the public health.
7. OPMC's Director may review Respondent's professional performance. This review may include but shall not be limited to a review of office records, patient records, hospital charts, and/or electronic records; and periodic visits or interviews with Respondent and his staff at practice locations or OPMC offices.
8. Respondent shall comply with these probationary terms and shall bear all associated costs. Upon receiving evidence of noncompliance with, or violations of these terms, the Director of OPMC and/or Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :
v. : Case No. 23-49-004812
Geoffrey L. Kamen, M.D., :
Respondent :

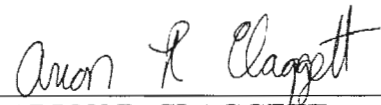
**FINAL ORDER MAKING HEARING EXAMINER'S
ADJUDICATION AND ORDER FINAL**

AND NOW, this 8th day of February, 2024, noting that neither party filed an application for review and that the State Board of Medicine (Board) did not issue a Notice of Intent to Review, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner's Adjudication and Order issued on January 12, 2024 and appended to this Order as **Attachment A**, is now the **FINAL ORDER** of the Board in this proceeding. The license to practice as a physician and surgeon of Geoffrey L. Kamen, M.D., license number MD476017, is hereby **REPRIMANDED**.

This Order is retroactive to **February 1, 2024**, twenty days from the date of mailing of the Hearing Examiner's Adjudication and Order.

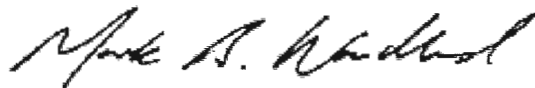
BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS



ARION R. CLAGGETT
ACTING COMMISSIONER

STATE BOARD OF MEDICINE



MARK B. WOODLAND, M.S., M.D.
CHAIR

For Respondent:
Tracking # 9489 0090 0027 6582 3560 05

Brian M. Andrews, Esquire
Kevin Porter, Esquire
Vigorito, Barker, Patterson, Nichols & Porter LLP
300 Garden City Plaza, Ste. 100
Garden City, NY 11530

For the Commonwealth:

Keith E. Bashore, Esquire

Board Counsel:

Shana M. Walter, Esquire

Date of Mailing:

February 12, 2024

Attachment A

RECEIVED

JAN 12 2024

Department of State
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :

vs. :

Geoffrey L. Kamen, M.D., :
Respondent :

Case No. 23-49-004812

ADJUDICATION AND ORDER

Hope S. Goldhaber
Hearing Examiner

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
OFFICE OF HEARING EXAMINERS
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 772-2686

2024 Prothonotary
Rec 08 2024

HISTORY

This matter comes before a hearing examiner for the State Board of Medicine (“Board”) on the Commonwealth’s filing of a single count *Order to Show Cause* (“OSC”) on April 10, 2023, against Geoffrey L. Kamen, M.D. (“Respondent”). In this single count, the Commonwealth charged that Respondent is subject to disciplinary action under Section 41(4) of the Medical Practice Act of 1985,¹ 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state, New York.

On May 16, 2023, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* (“M DFA”) on grounds that Respondent received the OSC but failed to file an answer as required. Respondent did not file a response to the Commonwealth’s M DFA within 10 days, as required under the General Rules of Administrative Practice and Procedure at 1 Pa. Code § 35.179. As a result, an *Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* was issued on June 12, 2023. Approximately one month later, on July 10, 2023, Respondent filed an answer to the OSC in the form of an email in which he stated that he received the mailing and that he believes this is his second or third email. As a result, on July 17, 2023, an *Order Vacating Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* was issued and, as part of that *Order*, the Office of the Prothonotary was directed to schedule this matter for a hearing.

On August 4, 2023, the Deputy Prothonotary for the Department of State issued a *Notice of Hearing*, scheduling an administrative hearing for 1:30 p.m. on October 25, 2023, in Harrisburg, Pennsylvania. The Commonwealth filed an *Amended Order to Show Cause* (“Amended OSC”) on

¹ Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. §§ 422.1-422.51a.

August 8, 2023, charging that Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession revoked by the proper licensing authority of another state, Ohio.

On August 10, 2023, Respondent filed an email which stated: "Please see attachment." Attached to this email was a letter to Respondent from the Texas Medical Board, dated March 3, 2023. Respondent filed an email on August 29, 2023, in which he requested that the hearing be converted to a telephonic hearing. On September 6, 2023, Respondent filed an email, with attachments, in which he stated that he has inquired about a hearing and was trying to make sure it would be a video hearing. An *Order Converting Hearing to Video Hearing and Directing Exchange of Exhibits* was issued on September 13, 2023.

On September 22, 2023, Brian M. Andrews, Esquire, filed an email in which he and his co-counsel, Kevin Porter, Esquire, entered their appearance on Respondent's behalf. On October 20, 2023, Respondent's attorneys, who are licensed to practice law in the state of New York but not in the state of Pennsylvania, filed an email in which they requested admission to practice *pro hac vice*. On October 23, 2023, an *Order Granting Admission Pro Hac Vice* was issued.

The video hearing was held as scheduled on October 25, 2023. The Commonwealth was represented by Keith E. Bashore, Esquire, who presented the Commonwealth's case through documentary evidence. Respondent was represented by Attorney Porter and Attorney Andrews, who presented Respondent's case through his testimony and through documentary evidence. At the conclusion of the hearing, both parties waived the filing of post-hearing briefs. The record closed on November 14, 2023, with the filing of the hearing transcript ("N.T.").²

² N.T. refers to the notes of testimony of the administrative hearing held on October 25, 2023.

FINDINGS OF FACT

1. Respondent holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license number MD476017. (Official Notice of Board records³)

2. Respondent's license was originally issued on October 19, 2021, and it is current through December 31, 2024. (Board records)

3. Absent further action by the Board, Respondent's license may be renewed or reactivated upon the filing of the appropriate documentation and payment of the necessary fees. (Board records)

4. At all times pertinent to the factual allegations in the Commonwealth's *Amended OSC*, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania. (Board records)

5. Respondent's last known address on file with the Board is 1787 Oceanaire Court, San Luis Obispo, CA 93405. (Board records)

6. In 2001, Respondent graduated from the Sackler School of Medicine at Tel Aviv University. (N.T. 16)

7. Respondent has been licensed to practice medicine since 2006 when he finished his residency. (N.T. 15)

8. Respondent is board-certified in family medicine. (N.T. 16)

Utah disciplinary action and reinstatement

9. On August 16, 2021, the Division of Occupational and Professional Licensing of

³ Official notice of the Board's records may be taken pursuant to the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, at § 35.173, which permits the presiding officer to take official notice of the Board's own records. *See Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007). All citations to "Board records" are based on this taking of official notice.

the Department of Commerce of the State of Utah (“Utah Division”) issued an Order approving a Stipulation between Respondent and the Utah Division by which Respondent neither admitted nor denied the following, but agreed that the Utah Division shall make the following findings of fact:

a. Respondent was first licensed to practice as a physician in the State of Utah on or about March 21, 2019.

b. Respondent practices telemedicine in the State of Utah. Respondent is required to inform the [Utah] Division within 10 business days of a change in mailing address or email address.

c. In March 2021, genetic testing and knee braces were ordered unnecessarily for a Utah patient. Respondent is listed as the physician authorizing the genetic test procedure and the equipment.

d. Respondent admits he had no contact over the phone or computer with this patient directly and has no file or chart on this patient. A medical record and chart were created and maintained by the telehealth staffing and support company, Nationwide Health Advocates, LLC. After receiving patient’s medical and personal information, Respondent signed/authorized only an order for a lab test: Diabetes-Obesity NGS Panel. Respondent denies ordering knee braces. No order was signed or authorized by Respondent for the knee braces. However, Respondent was listed as the authorizing physician by Nationwide Health Advocates, LLC. The lab testing services ordered were charged to Medicare.

e. Respondent desires to surrender Respondent’s license to practice as a physician in the State of Utah, along with all residual rights pertaining to said license.

(Exhibit C-1, pp. 16, 19-20)

10. As part of the Stipulation, Respondent, while neither admitting nor denying the findings of fact above, agreed that the Utah Division shall find that the findings of fact above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (m); and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(g) and that said conduct justifies disciplinary action against Respondent’s license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). (Exhibit C-1, p. 16)

11. As part of the Stipulation, Respondent surrendered his license to practice as a physician in the state of Utah and agreed not to reapply for licensure as a physician in the state of Utah until five years had elapsed from the effective date of the Stipulation and Order. (Exhibit C-1, pp. 16-17)

12. As part of the Stipulation, Respondent was required to pay a fine of \$10,000.00 (ten thousand dollars) of which \$5,000.00 (five thousand dollars) was to be immediately stayed and Respondent was required to pay the unstayed \$5,000.00 (five thousand dollar) portion of the fine to the Utah Division within 90 days from the effective date of the Stipulation and Order.⁴ (Exhibit C-1, p. 17)

13. Respondent chose to waive his right to a hearing in Utah and surrender his license because he could not afford to travel at the time due to a custody situation involving his son. (N.T. 21)

14. Respondent did not realize that the Utah disciplinary action would have a snowball effect in other states. (N.T. 22)

15. Respondent paid his fine in Utah. (N.T. 28-29)

16. Respondent applied early for the reinstatement of his license in Utah. (N.T. 22)

17. On March 28, 2023, the Utah Division reinstated Respondent's license to practice as a physician and surgeon in the state of Utah to unrestricted status, and this license is active until January 31, 2026. (N.T. 23-24; Exhibits R-2 and R-3)

Ohio disciplinary action

18. On July 12, 2023, after Respondent failed to request a hearing pursuant to a Notice

⁴ If Respondent failed to comply with any terms or conditions of the Stipulation and Order, then the Utah Division could move to lift the stay and immediately impose the stayed portion of the fine. (Exhibit C-1, p. 17)

of Opportunity for Hearing which was issued to him, the State Medical Board of Ohio (“Ohio Board”) issued Findings, Order and Journal Entry by which the Ohio Board revoked Respondent’s license to practice medicine and surgery in the state of Ohio and by which the Ohio Board required Respondent to pay a fine in the amount of \$3,500.00 (three thousand five hundred dollars). (Exhibit C-1, p. 3)

19. The rationale for the Ohio Board’s disciplinary action is set forth as follows:

The Utah Board took action against Dr. Kamen by accepting Dr. Kamen’s surrender of his Utah medical license. The Utah Board also required that Dr. Kamen was prohibited from requesting re-licensure for a period of five years. Dr. Kamen’s underlying conduct was that while Dr. Kamen was practicing telemedicine in Utah, genetic testing and knee braces were ordered for a Utah patient that documented that Dr. Kamen was the authorizing physician, when Dr. Kamen did not have a patient record documenting an order for genetic testing or knee braces. Dr. Kamen also failed to cooperate in the [Ohio] Board’s investigation by not answering interrogatories. This conduct warrants the revocation of Dr. Kamen’s license.

(Exhibit C-1, p.9)

20. Respondent is in the process of applying for a license in Ohio, and he is also appealing the Ohio disciplinary action on grounds that he did not receive the mailings from the Ohio Board. (N.T. 24-26, 30, 34-35)

Other disciplinary actions

21. In addition to Ohio, New York is the only other state that has taken any disciplinary action against Respondent based on the surrender of his license in Utah. (N.T. 27)

22. New York originally imposed a reprimand; however, on October 5, 2023, the New York Administrative Review Board for Professional Medical Conduct (“Administrative Review Board”) replaced the reprimand and, instead, suspended Respondent’s license to practice medicine in New York for three years, with said suspension stayed unless and until Respondent returns to

practice medicine in New York. (N.T. 29-30)

23. The Administrative Review Board also imposed a permanent restriction on Respondent's license to practice medicine in New York, prohibiting him from practicing telemedicine for any patient in New York state. (N.T. 30)

24. Other than the disciplinary action in Utah, and the resulting discipline in Ohio and New York, Respondent has no other disciplinary action in any state.⁵ (N.T. 16)

Respondent's current work plans

25. As of the date of the hearing on October 25, 2023, Respondent was not currently working because of his licensure issues; he last practiced about a month before the hearing. (N.T. 36-37)

26. Respondent worked at Avenal State Prison in California for more than 10 years of his career. (N.T. 35-36)

27. Respondent has not worked at Avenal State Prison for a couple of years, but he is slated to go back to work there; and, in the interim, he was mostly working at MDLIVE and K Health. (N.T. 36-37)

Notice and due process

28. Respondent was served with all pleadings, orders and notices filed of record in this matter. (Case No. 23-49-004812)

29. Respondent participated by video at the hearing held on October 25, 2023, and he was represented by counsel, who presented his case through his testimony and documentary evidence. (N.T. 5-44; Exhibits R-1, R-2, and R-3)

⁵ In Texas, the Texas Medical Board dismissed the complaint that had been filed against Respondent based on the Utah disciplinary action. (N.T. 31-32; Case No. 23-49-004812 at letter from the Texas Medical Board dated March 3, 2023)

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1-4)
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with Section 5 of the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact 28-29)
3. Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had his license to practice medicine revoked by the proper licensing authority of another state, Ohio, on July 12, 2023. (Findings of Fact 18-19)

DISCUSSION

Violation

A board-regulated practitioner in Pennsylvania who is disciplined by a proper licensing authority of another state is subject to disciplinary action in Pennsylvania under Section 41(4) of the Act as follows:

Section 41. Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

- (4) **Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, or an application for a license or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government.**

* * *

63 P.S. § 422.41(4) (Emphasis added).

In its *Amended OSC*, the Commonwealth charged that Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had a license or other authorization to practice the profession revoked by the proper licensing authority of another state, Ohio. The Commonwealth's evidence consisted of a certified copy of the Ohio Board's Findings, Order and Journal Entry issued on July 12, 2023. This evidence conclusively establishes that on July 12, 2023, the Ohio Board revoked Respondent's license to practice medicine and surgery in the state of Ohio and required Respondent to pay a fine in the amount of \$3,500.00.

Therefore, the Commonwealth has met its burden of proof⁶ on the single count of the *Amended OSC*.

Sanction

Section 42(a) of the Act, 63 P.S. § 422.42(a), sets forth the type of disciplinary or corrective actions that may be imposed for violations of the Act, including Respondent's violation of Section 41(4) of the Act. Specifically, Section 42(a) of the Act provides, in relevant part, as follows:

Section 42. Types of corrective action

(a) Authorized actions.—When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

* * *

- (2) Administer a public reprimand with or without probation.
- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40,⁷ and place a board-regulated

⁶ The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *appeal denied*, 602 A.2d 863 (Pa. 1992). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

⁷ 63 P.S. § 422.40.

practitioner on probation with the right to vacate the probationary order for noncompliance.

* * *

63 P.S. § 422.42(a). Additionally, the Board is authorized under 63 Pa. C.S. § 3108(b)(4) to levy a civil penalty of up to \$10,000.00 per violation of the Act.

At the conclusion of the hearing, the parties gave closing statements. In his closing statement, Respondent's attorney argued that the focus should be on the fact that the state of Utah, where the underlying conduct occurred, reinstated Respondent's license to unrestricted status over three years early and, as a result, Respondent is now able to practice telemedicine in the state of Utah. (N.T. 39-41) In his closing statement, the prosecuting attorney recommended that a public reprimand and a civil penalty of \$1,000.00 be imposed. (N.T. 41) In making this recommendation, the prosecuting attorney agreed with Respondent's attorney that the focus should be on the disciplinary action in Utah. (N.T. 41) In addition, the prosecuting attorney stated his belief that the disciplinary actions in the states of Ohio and New York are excessive. (N.T. 41)

The Commonwealth filed its *Amended OSC* on the basis of disciplinary action taken against Respondent's license in Ohio, and not on the basis of disciplinary action taken against Respondent's licenses in Utah and New York. However, in determining the sanction in this case, the hearing examiner agrees with the parties that the focus should be on the disciplinary action in Utah because the disciplinary actions in Ohio and New York were based on the disciplinary action in Utah. Although the discipline in Utah was serious in that Respondent surrendered his license in Utah on August 16, 2021, and agreed not to reapply for licensure until five years had elapsed, the overriding consideration is that the Utah Division reinstated Respondent's license to unrestricted status on March 28, 2023, more than three years early. For that reason, the hearing examiner agrees with the Commonwealth's recommendation of a public reprimand. A public reprimand will protect

the public health and safety because it will alert Pennsylvania's citizens to Respondent's disciplinary actions in Utah, Ohio, and New York, thereby allowing anyone who inquires to make an informed decision based upon the public information available.

As for the prosecuting attorney's recommendation of a civil penalty of \$1,000.00, it is important to note that the underlying conduct occurred in Utah, and the Utah Division has already imposed a substantial civil penalty of \$5,000.00. In addition, the Ohio Board imposed a civil penalty of \$3,500.00. It is not necessary to impose an additional civil penalty in Pennsylvania for purposes of added deterrence.

Accordingly, based upon the foregoing, the following order shall issue:

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

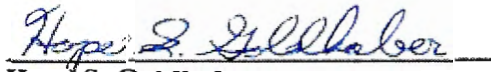
Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs	:	
	:	
	:	
vs.	:	Case No. 23-49-004812
	:	
	:	
Geoffrey L. Kamen, M.D., Respondent	:	

ORDER

AND NOW, this 12th day of **January 2024**, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby **ORDERED** that the license to practice medicine and surgery issued to Respondent, **Geoffrey L. Kamen, M.D.**, license no. MD476017, is **REPRIMANDED**.

This Order shall take effect twenty (20) days from the date of mailing shown below, unless otherwise ordered by the State Board of Medicine.

BY ORDER:


Hope S. Goldhaber
Hearing Examiner

For Respondent: Brian M. Andrews, Esquire
Kevin Porter, Esquire
VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP
300 Garden City Plaza, Ste. 100
Garden City, New York 11530
Also sent by email: **b.andrews@vbpnplaw.com**
kevin.porter@vbpnplaw.com

For the Commonwealth: Keith E. Bashore, Esquire
Prosecuting Attorney
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
P.O. Box 69521
Harrisburg, PA 17106-9521
Also sent by email: **kbashore@pa.gov**

Date of Mailing: January 12, 2024

DO# Prothonotary:
Feb 08 2024

NOTICE

REHEARING AND/OR RECONSIDERATION: A party may file an application for rehearing or reconsideration within 15 days of the mailing date of this adjudication and order. The application must be captioned "*Application for Rehearing*," "*Application for Reconsideration*," or "*Application for Rehearing or Reconsideration*." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

APPEAL TO BOARD: An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party within 20 days of the date of mailing of this adjudication and order. The application must be captioned "*Application for Review*." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

STAY OF HEARING EXAMINER'S ORDER: Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of the hearing examiner's order, the party must file an application for stay directed to the Board.

FILING AND SERVICE: The application for rehearing and/or reconsideration shall be filed with:

Prothonotary
P.O. Box 2649
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 69523
Harrisburg, PA 17106-9523

The name of the individual Board Counsel is identified on the Final Order.

FILED DATE FEB 26 2024

Department of Health
By: *[Signature]*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2021-34049
LICENSE NO.: ME00142055

GEOFFREY KAMEN, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 2, 2024, in Jacksonville, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$4,007.67.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 16th day of February, 2024.

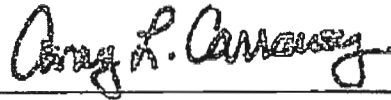
BOARD OF MEDICINE



Paul A. Vazquez, J.D., Executive Director
For Nicholas W. Romanello, Esquire, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Geoffrey Kamen, M.D., 1787 Oceanaire Court, San Luis Obispo, CA 93405 and Robert J. Cousins, Esq., Quintairos, Prieto, Wood & Boyer, P.A., 2400 East Commercial Blvd., Ste. 520, Fort Lauderdale, FL 33308; by email to: Robert J. Cousins, Esq., at rcousins@cpwblaw.com; Andrew Pietrylo, Chief Legal Counsel, Department of Health, at Andrew.Pietrylo@flhealth.gov; and Christopher R. Dierlam, Senior Assistant Attorney General, at Christopher.Dierlam@myfloridalegal.com this 26 day of February, 2024.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2021 - 34049

GEOFFREY LEE KAMEN, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Petitioner, Department of Health ("Department"), and Respondent, Geoffrey Lee Kamen, M.D., pursuant to section 120.57(4), Florida Statutes, offer this Settlement Agreement ("Agreement") and agree to the entry of a Final Order of the Board of Medicine ("Board") incorporating this Agreement as disposition of this matter, in lieu of any other administrative proceedings.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 142055.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 456 and/or 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 456 and/or 458, Florida Statutes.
3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter of Concern** ~ The Board shall issue a Letter of Concern against Respondent's license.
2. **Fine** ~The Board shall impose an administrative fine of \$5,000.00 against Respondent's license which Respondent shall pay to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All fines shall be paid by cashier's check or money order. Payments must be made within one hundred eighty (180) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

3. **Reimbursement of Costs** – Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is **\$7,625.85 but shall not exceed \$9,700.00**. Respondent shall pay such Department costs to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All costs shall be paid by cashier's check or money order. Payments must be made within one hundred eighty (180) days of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

4. **Laws, Rules, and Ethics Course** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in laws, rules, and ethics within one (1) year from the date the Final Order is filed.

5. **Continuing Medical Education** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in telehealth medicine within one (1) year from the date the Final Order is filed.

STANDARD PROVISIONS

1. **Appearance** – Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** – It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the

Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within fifteen (15) days of any changes of said addresses

5. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine to include, but not limited to, all statutory requirements related to practitioner profile and licensure renewal updates. Prior to presentation of this Agreement to the Board, Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** – It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** – Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any

stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No Preclusion of Additional Proceedings** – Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.


9. **Waiver of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** – Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

[Signatures appear on the following page.]



SIGNED this 19 day of ~~FEBRUARY~~ ^{JANUARY}, 2024.



Geoffrey Lee Kamen, M.D.

STATE OF FLORIDA
COUNTY OF _____

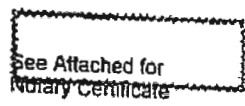
BEFORE ME personally appeared _____, whose identity is known to me or who produced _____ (type of identification) and who, under oath, acknowledges that their signature appears above.

SWORN TO and subscribed before me this _____ day of _____, 2024.

NOTARY PUBLIC

My Commission Expires:

APPROVED this 22nd day of January 2024.


See Attached for Notary Certificate

Joseph A. Ladapo, MD, PhD
State Surgeon General

Shaunda L. Brown

By: Shaunda L. Brown
Assistant General Counsel
Department of Health

California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN LUIS OBISPO

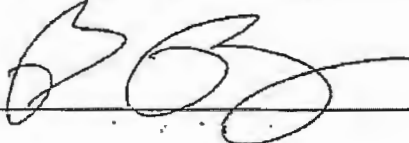
s.s.

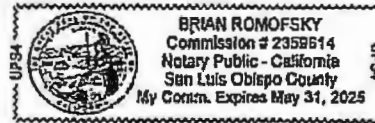
Subscribed and sworn to (or affirmed) before me on this 19TH day of JANUARY

2024, by GEOFFREY LEE KAMEN and

_____, proved to me on the basis of

satisfactory evidence to be the person(s) who appeared before me.





OPTIONAL INFORMATION

When affiant information is provided, the notary public is required to make a copy of the information and reattachment of the certificate to the document to which it applies. The information is to be attached to the document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

SETTLEMENT AGREEMENT

containing SEVEN pages, and dated JAN 19, 2024

Method of Affiant Identification	
Proved to me on the basis of satisfactory evidence:	
<input checked="" type="radio"/> form(s) of identification	<input type="radio"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: _____	
Other	
<input type="checkbox"/> Affiant(s) Thumbprint(s)	<input type="checkbox"/> Describe: _____

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*

DATE: April 24, 2023

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2021-34049

GEOFFREY KAMEN, M.D.,

Respondent.

_____ /

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, the Department of Health, files this Administrative Complaint before the Board of Medicine against Respondent, Geoffrey Kamen, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, license number ME 142055.

3. Respondent's address of record is 1787 Oceanaire Court, San Luis Obispo, California 93405.

4. Respondent was licensed to practice medicine in the state of Utah by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah, (UDOPL), the licensing authority regulating the practice of medicine in Utah.

5. On or about August 16, 2021, the UDOPL acted against Respondent's Utah medical license, license number 1117002-1205, via a Stipulation and Order ("Order").

6. Per the Utah Order, it was alleged that Respondent failed to comply with legal obligations related to practicing telemedicine by unnecessarily ordering lab testing for a patient he had no contact with.

7. Per the Utah Order, it was alleged Respondent failed to comply with legal obligations by authorizing knee braces for a patient he had no contact with.

8. Pursuant to the Order, Respondent surrendered his Utah medical license and all residual rights pertaining to the Utah medical license.

9. Pursuant to the Order, Respondent agreed not to reapply for licensure as a physician in the state of Utah for a period of five years.

10. Pursuant to the Order, Respondent agreed to pay a fine of \$10,000, of which \$5,000 was stayed.

11. Pursuant to the Order, Respondent acknowledged that the disciplinary action taken by the UDOPL may adversely affect any license that Respondent may possess in another state, or any application for licensure.

12. Respondent failed to report the UDOPL action to the Florida Board of Medicine, in writing, within 30 days.

13. Respondent failed to update his Florida practitioner profile to disclose the August 16, 2021, UDOPL Order within fifteen days.

Count I
Out of State Discipline Action

14. Petitioner re-alleges and incorporates by reference, herein, paragraphs one (1) through thirteen (13), as fully set forth above.

15. Section 458.331(1)(b), Florida Statutes (2022), provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, constitutes grounds for disciplinary action by the Board of Medicine. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

16. On or about August 16, 2021, the UDOPL acted against Respondent's Utah medical license via the above-referenced Order.

17. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2022).

Count II
Failure to Report to the Board
Within 30-days

18. Petitioner re-alleges and incorporates by reference, herein, paragraphs one (1) through thirteen (13), as fully set forth above.

19. Section 458.331(1) (kk), Florida Statutes (2022), provides that failing to report to the Board of Medicine, in writing, within 30 days, when action, as defined in Section 458.331(1) (b), Florida Statutes, is taken against one's license to practice as a physician in another state, territory or country, constitutes grounds for discipline by the Board of Medicine.

20. Respondent failed to report the August 16, 2021, discipline action taken against his Utah medical license by the UDOPL to the Florida Board of Medicine, in writing, within 30 days.

21. Based on the foregoing, Respondent has violated Section 458.331(1) (kk), Florida Statutes (2022).

Count III
Licensure Requirements

22. Petitioner re-alleges and incorporates, by reference, paragraphs one (1) through thirteen (13) as if fully set forth herein.

23. Pursuant to Section 456.039 (1) (a) 8., Florida Statutes (2022), an applicant or licensee must provide a description of any final disciplinary action taken within the previous ten (10) years against him or her by the agency regulating the profession that he or she is or has been licensed to practice, whether in the state of Florida or any other jurisdiction.

24. Section 456.042, Florida Statutes (2022), provides that a practitioner must submit updates of required information within fifteen (15) days after the final activity that renders such information a fact. An updates profile is subject to the same requirements as an original profile.

25. Section 456.072 (1) (w), Florida Statutes (2022), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, is grounds for discipline by the Florida Board of medicine.

26. Respondent failed to update his Florida Practitioner profile to disclose the August 16, 2021 discipline action taken against his Utah medical license by the UDOPL.

27. Based upon the foregoing, Respondent violated Section 456.072 (1) (w), Florida Statutes (2022), by failing to timely update his practitioner profile.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this April 21, 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

/s/Shanda Brown

Shanda Brown
Assistant General Counsel
Florida Bar Number 96290
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65

Tallahassee, Florida 32399-3265
Telephone: (850) 558-9874
Facsimile: (850) 245-4684
Email: Shaunda.brown@flhealth.gov

PCP Date: April 21, 2023

PCP Members: Georges El-Bahri, M.D., Hector Vila, M.D., Nicholas Romanello

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.