



LUCY LANG
Inspector General

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December 27, 2023

Dr. James V. McDonald M.D., M.P.H.
Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, New York 12237

Re: WCFIG 0995-325-2021

Dear Commissioner McDonald:

On April 9, 2021, the Office of the New York State Workers' Compensation Fraud Inspector General (WCFIG) received a complaint from Dr. [REDACTED] regarding Dr. [REDACTED] a New York City pain management physician. [REDACTED] said she was hired for a fellowship educational training program by [REDACTED] in August 2020 but resigned three months later due to what she believed were fraudulent efforts by [REDACTED] to be paid for workers' compensation matters, and other acts of dishonesty. Specifically, she alleged:

- [REDACTED] instructed that she identify herself in paperwork as an "attending physician" despite being only a fellow;
- [REDACTED] falsified [REDACTED] experience, claiming that she worked with him for longer than she actually had, in a letter of recommendation she believed was submitted to the New York State "Committee on Workers' Compensation" and the New York County Medical Society;
- [REDACTED] performed unnecessary medical procedures including electromyography;
- [REDACTED] directed [REDACTED] to always list the diagnosis as "intractable migraine" for multiple women who received Botox injections so that insurance would cover it, and;
- When [REDACTED] advised [REDACTED] that she was resigning to move back to Massachusetts to care for her parents, [REDACTED] said her contract with the practice required her to pay \$10,000 if she did not give six months' notice. Subsequently, [REDACTED] told [REDACTED] that she owed the practice much more, around \$300,000, even though another fellow had left the practice and was required to pay the practice only \$10,000.

WCFIG's review of these allegations found that [REDACTED] (license # [REDACTED] is board certified in physical medicine and rehabilitation and has a subspecialty certification in pain

medicine. [REDACTED] practice is called [REDACTED] and he serves as medical director for [REDACTED] and [REDACTED]

After leaving [REDACTED] practice and moving to Massachusetts, [REDACTED] advised the New York State Education Department (SED) that she was no longer actively practicing in New York. Consequently, SED listed her as inactive and removed her from its list of authorized providers.

As for the recommendation letter, the WCB advised that it did not receive any such letter from [REDACTED]. Moreover, the WCB stated that it neither requests a recommendation letter nor relies on information in any such letter to authorize a physician to treat workers' compensation patients. As such, whether or not any such letter contained false information would not be material to the WCB's decision to certify.

After the above review, I have determined that this matter is more appropriately addressed by the New York State Department of Health Office of Professional Medical Conduct (OPMC) than by WCFIG. Therefore, I am referring this matter to your office for review and any action deemed appropriate.

Please advise me of any action taken by OPMC in response to this referral within 45 days of the date of this letter. If you require further information, please contact Attorney-In-Charge for Workers' Compensation Fraud Bryan Richmond at [REDACTED]

Sincerely,



Lucy Lang
Inspector General

cc: Shelly Wang Bandago
Director, OPMC

Amy Belawski, RN
Intake Supervisor, OPMC