



## Department of Health

**KATHY HOCHUL**  
Governor

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

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

June 14, 2024

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Pooja Rawal, Esq.  
NYS Department of Health  
Corning Tower Room 2512  
Empire State Plaza  
Albany, New York 12237

Marc Laruelle, M.D.

[REDACTED]  
Federal Correctional Institution Cumberland  
P.O. Box 1000  
Cumberland, Maryland 21501

Randall Tesser, Esq.  
Tesser Ryan & Rochman, LLP  
15 Fisher Lane, Suite 200  
White Plains, New York 10603

**RE: In the Matter of Marc Laruelle, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 24-125) 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.

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 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  
Office of Professional Medical Conduct  
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.

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 licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

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 Ms. 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 redaction box covering the signature of the Chief Administrative Law Judge.

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

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

COPY

IN THE MATTER  
OF  
MARC LARUELLE, M.D.

DETERMINATION  
AND  
ORDER

BPMC 24-125

A Notice of Referral Proceeding, and Statement of Charges dated February 6, 2024, were duly served upon Marc Laruelle, M.D. (Respondent). (Exhibits 1, 2.) A hearing was held on May 9, 2024 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), REID T. MULLER, M.D., Chairperson, BARRY RABIN, M.D., M.P.H., M.B.A., and RICHARD S. GOLDBERG, ESQ., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. NATALIE J. BORDEAUX served as the Administrative Officer.

The Department appeared by Pooja Rawal, Esq. The Respondent was represented by Randall Tesser, Esq., and testified on his own behalf. In addition, [REDACTED] the Respondent's examining physician, and [REDACTED] testified in support of the Respondent. The Hearing Committee received and examined documents from the Department (Exhibits 1-5) and the Respondent (Exhibits A-D). A transcript of the proceeding was made. (T 1-91.) The Hearing Committee deliberated on June 11, 2024.

After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order, revoking the Respondent's license to practice medicine. All findings, conclusions, and determinations are unanimous.

### JURISDICTION

The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law § 6530(9). The Respondent is charged with professional misconduct for being convicted of committing an act constituting a crime under federal law in violation of Education Law § 6530(9)(a)(ii). Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

### FINDINGS OF FACT

1. On January 16, 1997, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 205506. (Exhibit 5.)
2. On January 26, 2023, the Respondent was convicted in the United States District Court, Southern District of New York, following his guilty plea, to the crime of Distribution and Possession with Intent to Distribute Narcotics, in violation of 21 U.S.C. §§ 841(b)(1)(C) and 841(b)(2). Pursuant to this plea, the Respondent acknowledged that he intentionally and knowingly distributed and possessed with intent to distribute a quantity of a controlled substance (mixtures and substances containing a detectable amount of oxycodone, Adderall, and Xanax). The Respondent was sentenced to 48 months of imprisonment, followed by three years of supervised release, during which he must participate in an outpatient drug treatment program, which may include drug and alcohol testing, and an outpatient mental health treatment program, both of which must be approved by the United States Probation Office. He was also ordered to pay a \$100 assessment. (Exhibits 3, 4.)

### DISCUSSION

The Hearing Committee reviewed the Department's evidence showing the Respondent's plea of guilty in the United States District Court, Southern District of New York, to Distribution and

Possession with Intent to Distribute Narcotics, a felony. Based on this conviction, the Hearing Committee determined that the Respondent violated Education Law § 6530(9)(a)(ii).

The Hearing Committee then considered the full spectrum of penalties under PHL § 230-a, including revocation, suspension and/or probation, censure and reprimand, the imposition of monetary penalties, and the penalties recommended by both parties. The Department recommended revocation of the Respondent's medical license. (T 22.) The Respondent requested a more lenient penalty with appropriate safeguards, such as a prohibition on his ability to prescribe medications, a period of suspension, and/or practicing under supervision. (T 87-88.)

The Respondent testified that his then-undiagnosed and untreated [REDACTED] was the cause of the criminal conduct that led to his conviction. However, he asserted that with treatment, he has returned to being the man he used to be. (T 26.) The Hearing Committee found that the Respondent still showed a lack of insight as to the severity of his criminal conduct. Despite his plea of guilty and expressions of remorse for his actions at the hearing, the Respondent insisted that some of the prescriptions identified as criminal were legitimate. (T 27.) The Respondent also disputed the report of his examining physician, [REDACTED] (Exhibit A), regarding previous unethical and immoral infractions (T 44-47), despite emphasizing [REDACTED] opinion regarding his diagnosis, and adherence to prescribed treatment (T 56-65, 69-70).

[REDACTED] testified that the Respondent has complied with his [REDACTED] and that his [REDACTED] has stabilized. He also expressed his belief that the Respondent will continue to adhere to prescribed treatment. (T 62-65.) However, [REDACTED] last saw the Respondent in March 2023, and had only one subsequent discussion with him by telephone. He acknowledged that he could not predict the Respondent's future [REDACTED] (T 65-66.)

While the Hearing Committee recognizes the complexity of the Respondent's diagnosis and the Respondent's significant contributions to scientific research, its foremost commitment is to the safety of the public. The information presented at the hearing offered insufficient information for the Hearing Committee to conclude that the Respondent will continue to obtain necessary treatment for his [REDACTED] which he concedes is a lifelong commitment (T 28), in order to practice medicine safely.

Given the unpredictable manifestation of the Respondent's diagnosis and the importance of his continued compliance with treatment (which cannot be guaranteed) in order to maintain his [REDACTED] permanent restrictions on the Respondent's license would not suffice to ensure patient safety. For the same reason, the Hearing Committee is unable to identify an appropriate suspension period or suspension conditions that would adequately ensure the safety of patients. While the Respondent is adamant that he will continue to comply [REDACTED] the Hearing Committee has no assurance.


After considering the entire hearing record, the Hearing Committee concludes that revocation is the most appropriate penalty. This determination will not preclude the Respondent from continuing to carry out his scientific research, the hallmark of his career, but will eliminate the risks posed by his direct interactions with patients.


**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. The Respondent's license to practice medicine in the state of New York is hereby revoked pursuant to PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in compliance with PHL § 230(10)(h).

DATED: Albany, New York  
13 June, 2024

  
Reid T. Muller, M.D., Chairperson  
Barry Rabin, M.D., M.P.H., M.B.A.  
Richard S. Goldberg, Esq.

To: Marc Laruelle, M.D.  
  
Federal Correctional Institution Cumberland  
P.O. Box 1000  
Cumberland, Maryland 21501

Randall Tesser, Esq.  
Tesser, Ryan & Rochman, LLP  
15 Fisher Lane, Suite 200  
White Plains, New York 10603

Pooja Rawal, Esq.  
Bureau of Professional Medical Conduct  
Division of Legal Affairs  
New York State Department of Health  
2512 Corning Tower  
Empire State Plaza  
Albany, New York 12237-0032

**IN THE MATTER**  
**OF**  
**MARC LARUELLE, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

MARC LARUELLE, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 16, 1997, by the issuance of license number 205506 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 26, 2023, in the United States District Court, Southern District of New York, the Respondent pled guilty to one count of Distribution and Possession with Intent to Distribute Narcotics (21 U.S.C. §§ 841(b)(1)(C) and 841(b)(2). The Respondent was sentenced to 48 months imprisonment in the custody of the Federal Bureau of Prisons and was ordered to receive treatment [REDACTED] and receive regular monitoring, treatment, and any necessary surgeries for an [REDACTED]. Upon release from imprisonment, the Respondent was ordered to be on supervised release for a term of three years and ordered to pay an assessment of \$100.00.



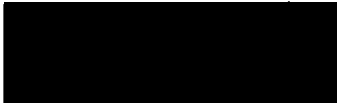
**SPECIFICATION OF CHARGES**

**CRIMINAL CONVICTION (Federal)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: February 6, 2024  
Albany, New York

  
HENRY WEINTRAUB  
Chief Counsel  
Bureau of Professional Medical Conduct