



**Department  
of Health**

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, MD, MPH**  
Commissioner

**JOHANNE E. MORNE, MS**  
Executive Deputy Commissioner

December 16, 2024

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Zinia Thomas, M.D.



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

**RE: In the Matter of Zinia Thomas, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 24-248) 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.

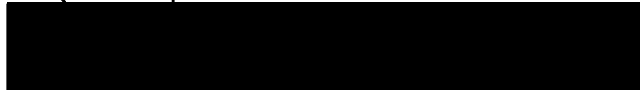
The notice of review served on the Administrative Review Board should be forwarded to:

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,



Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure



having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (first and second specifications of charges); and Education Law § 6530(9)(d), having her license to practice medicine revoked, suspended or having other disciplinary action taken 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 would, if committed in New York state, constitute professional misconduct under the laws of New York (third and fourth specifications of charges). Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

#### **FINDINGS OF FACT**

1. On June 25, 2020, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 305816. (Exhibit 4.)
2. On February 28, 2023, the Colorado Medical Board determined to suspend the Respondent's license to practice medicine indefinitely until she complied with a January 20, 2023 Colorado Medical Board order requiring the Respondent to submit to a mental or physical examination by the Colorado Physician Health Program (CPHP). (Exhibit 6.)
3. Effective March 25, 2024, the Missouri State Board of Registration for the Hearing Arts (Missouri Board) determined to revoke the Respondent's Missouri license to practice medicine, after finding that the Respondent failed to respond to charges of professional misconduct regarding her care and treatment of eight patients (patients 1-8), and defaulted from a scheduled disciplinary hearing. The Missouri Board concluded that the Respondent committed acts of repeated negligence with respect to her treatment of patients 1-6 and 8, in violation of RSMo §

334.110.2(g); the Respondent ordered ketamine treatment for patients 2, 6, and 7 without proper controlled substance prescriptive authority, in violation of RSMo § 195.030.2; the Respondent failed to maintain an adequate and complete patient record for patients 1-8, in violation of RSMo § 334.097; and the Respondent failed to appropriately supervise personnel by directing or permitting a nurse to independently administer a ketamine IV infusion to patient 7 without the Respondent's direct supervision, in violation of 20 CSR § 2150-5.020(2). (Exhibit 5.)

### DISCUSSION

Although duly notified of the date, time, and place of the hearing, the Respondent failed to appear, either in person or by representative. On October 24, 2024, a process server hand-delivered a copy of the Notice of Referral Proceeding and Statement of Charges to the Respondent. (Exhibit 2.) The Notice of Referral Proceeding and Statement of Charges were properly served in accordance with PHL § 230(10)(d)(i).

Other attempts were also made to contact the Respondent. In October 2024, the Respondent phoned Mr. Tsui, the Department's attorney on this case, and asked for his email address. During that telephone call, Mr. Tsui asked the Respondent for updated contact information, but the Respondent declined to provide it. Instead, she promised to email Mr. Tsui, but never did. On December 6, 2024, the Department sent an amended Statement of Charges to the Respondent via express mail to her last known mailing address and emailed the Respondent. The ALJ emailed the Respondent a Webex meeting invitation for the hearing. (Exhibit 1a.) The ALJ determined that the hearing could proceed in the Respondent's absence.

The Hearing Committee reviewed the Department's evidence showing the disciplinary actions taken by the Colorado Board and the Missouri Board, both of which included findings that the Respondent was guilty of professional misconduct. The Colorado Board determined to suspend

the Respondent's license indefinitely after finding that she failed to comply with a prior order to submit to a mental or physical examination by the CPHP. (Exhibit 6.) The Missouri Board determined to revoke the Respondent's medical license after finding that she committed repeated acts of negligence; ordered treatment without proper controlled substance prescriptive authority; failed to maintain accurate and complete records of treatment administered; and failed to appropriately supervise nursing staff. Based on the conclusions reached by the Colorado and Missouri Boards, the Respondent's actions would, if they had occurred in the state of New York, constitute violations of Education Law § 6530(3), practicing the profession with negligence on more than one occasion; § 6530(15), failure to comply with an order issued pursuant to PHL § 230(7); § 6530(24), practicing beyond the scope permitted by law; and § 6530(33), failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee. The Hearing Committee determined that the Respondent violated Education Law § 6530(9)(b) and §6530(9)(d), and sustained all four specifications of charges.

The Hearing Committee agreed with the Department that revocation of the Respondent's medical license was warranted. The Respondent committed multiple acts of professional misconduct and exhibited unprofessional behaviors that reflected disregard for the well-being of her patients and for the oversight authority of medical boards.

The Hearing Committee found the findings of the Colorado and Missouri Boards disconcerting and incompatible with expected standards of professional comportment. The February 28, 2023 decision issued by the Colorado Board stemmed from the Respondent's failure to comply with a prior order to undergo testing administered by the CPHP. (Exhibit 6.) As of October 23, 2024, the Respondent continued to defy the Colorado Board's order to undergo a

mental or physical examination by the CPHP, prompting the Colorado Board to issue a letter of admonition. (Exhibit 7.)

On March 25, 2024, the Missouri Board determined to revoke the Respondent's medical license in that state after finding repeated omissions, derelictions of her responsibilities as a physician, and unlawful conduct in her care and treatment of patients. For instance, the Missouri Board determined that the Respondent's assessment and treatment caused injury to at least seven patients. The Respondent continued prescribing controlled substances during an approximate four-month period in which her Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) registration lapsed. The Missouri Board also found that the Respondent's conduct and actions in her treatment of at least six patients "were or might have been harmful or dangerous to the patients' mental or physical health and constituted a serious danger to the patients' health, safety, or welfare". (Exhibit 5.)

The Respondent's failure to appear for this hearing only underscored her disregard for the legal and professional obligations of a physician. The Hearing Committee determined that revocation of the Respondent's license was the only appropriate penalty to protect members of the public in the state of New York.

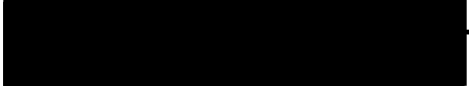
ORDER

IT IS HEREBY ORDERED THAT:


1. The first through fourth specifications of professional misconduct, as set forth in the amended Statement of Charges, are 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:

01/15/2024, New York  
12/15, 2024

  
Andrew J. Merritt, M.D., Chairperson  
David M. Kirshy, M.D.  
Beth R. Jacobson, Esq.

To: Zinia Thomas, M.D.

  
Paul Tsui Esq.  
Bureau of Professional Medical Conduct  
Division of Legal Affairs  
New York State Department of Health  
Corning Tower Building – 25<sup>th</sup> Floor  
Albany, New York 12237



IN THE MATTER  
OF  
ZINIA THOMAS, M.D.

AMENDED  
STATEMENT  
OF  
CHARGES

Zinia Thomas, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 25, 2020, by the issuance of license number 305816 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 25, 2024, following an administrative hearing that Respondent failed to appear at and/or submit a reply, the Missouri Board of Registration for the Healing Arts (hereinafter, "Missouri Board") by an Order of Revocation in Default (hereinafter, "Missouri Order"), inter alia, revoked the Respondent's physician and surgeon license based upon the Respondent's care and treatment of eight patients that failed to meet the standards of care as follows:

1. Respondent failed to perform sufficient examinations prior to prescribing and administering ketamine treatment,
2. Respondent failed to perform physical examinations adequate to establish a diagnosis for ketamine treatment,
3. Respondent failed to identify underlying history of substance abuse or potential benzodiazepine use as they are contraindications to the treatment provided,
4. Respondent failed to sufficiently discuss treatment options or actual risks and benefits associated with treatment,

5. Respondent failed to maintain contemporaneous or complete medical records,
6. Respondent allowed nurses who did not enter into collaborative practice agreements with Respondent to independently dispense and administer ketamine, a controlled substance, when respondent was not present or providing direct supervision,
7. Respondent continued prescribing, dispensing, and administering ketamine between August 1, 2020, and December 15, 2020, when Respondent's BNDD registration had lapsed and Respondent was not allowed to conduct any controlled substance activity within Missouri.

B. The conduct upon which the Missouri Board's disciplinary action was based would constitute misconduct, if committed in New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (Practicing the profession with negligence on more than one occasion),
2. New York Education Law §6530(24) (Practicing or offering to practice beyond the scope permitted by law),
3. New York Education Law §6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient), and/or
4. New York Education Law §6530(33) (Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee).

C. On or about February 28, 2023, the Medical Board of Colorado (hereinafter, "Colorado Board"), by an Order of Suspension (hereinafter, "Colorado Order"), inter alia, suspended Respondent's license to practice medicine following a Board Panel Review. On or about January 20, 2023, the Colorado Board issued an order requiring Respondent to submit to a mental or physical examination by the Colorado Physician Health Program (CPHP). The Colorado Order was based upon a complaint and media

report that Respondent was illegally in possession of a large amount of marijuana and ecstasy pills and that Respondent qualified patients' medical marijuana cards in the State of Michigan by diagnosing them with certain conditions without seeing the patients in question. Respondent failed to contact the CPHP per the order and failed to appear for an examination. These failures constituted grounds for suspension.

D. On or about October 23, 2024, the Colorado Board issued to Respondent a formal letter of admonishment constituting a formal disciplinary action based upon Respondent's violating a valid board order, the January 20, 2023, CPHP Order. Respondent's Colorado license expired on or about April 30, 2023.

E. The conduct upon which the Colorado Board's disciplinary action was based would constitute misconduct, if committed in New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(15) (Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law)

**SPECIFICATION OF CHARGES**  
**FIRST AND SECOND SPECIFICATIONS**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State as alleged in the facts of the following:

1. Paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, A and A6, A and A7, B and B1, B and B2, B and B3, and/or B and B4.
2. Paragraphs C, D, and E and E1.

**THIRD AND FOURTH SPECIFICATIONS**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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 as alleged in the facts of the following:

3. Paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, A and A6, A and A7, B and B1, B and B2, B and B3, and/or B and B4.
4. Paragraphs C, D, and E and E1.

DATE: December 6, 2024  
Albany, New York



JEFFREY J. CONKLIN  
Deputy Director  
Bureau of Professional Medical Conduct