



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

MAY 23 2008

Washington, D.C. 20201

Samuel M. Rosati, M.D.  
P.O. Box 24363  
Rochester, NY 14624

Dear Dr. Rosati:

Re: OI File No. 2-98-40318-9

By letter of April 28, 2000, the Office of Inspector General (OIG) notified you that you were being excluded from participation in the Medicare, Medicaid, and all Federal health care programs for a minimum period of fifteen years. This action was taken under sections 1128(a)(1) and (a)(3) of the Social Security Act (Act) because of your conviction in the United States District Court, Western District of New York. Your exclusion became effective May 18, 2000, and remains in effect.

By letter of May 13, 2008, Deborah Bachrach, New York State Medicaid Director and Deputy Commissioner, Office of Health Insurance Programs, Department of Health, requested a waiver of your exclusion. Since this request meets the criteria set forth in 42 CFR 1001.1801(b) and section 1128(d)(3)(B)(i) of the Act, we are granting Ms. Bachrach's request for a waiver of your exclusion for services you provide under the Medicare, Medicaid and all Federal health care programs as defined in section 1128(h) of the Act at the Anthony L. Jordan Health Center in Rochester, New York.

Approval of the waiver request means that, effective with the date of this notice, you may submit claims for payment of covered items or services furnished, ordered, or prescribed by you to program beneficiaries at the Anthony L. Jordan Health Center, Rochester, New York. This waiver is not retroactive and does not authorize you to claim program payment for services that you have already rendered to program beneficiaries.

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**This waiver affects only items and services you provide at the Anthony L. Jordan Health Center for as long as the State Medicaid agency determines that such need exists.** Your exclusion remains in effect for all items and services you furnish, order or prescribe elsewhere in New York and in all other States. This waiver does not otherwise change your exclusion; it remains in effect and, as explained in your exclusion notice, you will have to apply for reinstatement at the end of the exclusion period.

Sincerely,



William J. Hughes  
Reviewing Official  
Health Care Program Exclusions  
Office of Counsel to the Inspector General

cc: Special Agent in Charge, New York  
Deborah Bachrach, Medicaid Director