



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

February 26, 2018

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Sharjeel Khan, M.D.



Re: License No. None

Dear Dr. Khan:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 18-040. This order and any penalty provided therein goes into effect March 5, 2018.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Nathan L. Dembin, Esq.  
Nathan L. Dembin and Associates  
1123 Broadway, Suite 1117  
New York, New York 10010

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

IN THE MATTER  
OF  
SHARJEEL KHAN, M.D.

BPMC No. 18-040  
CONSENT  
ORDER

Upon the application of (Respondent) SHARJEEL KHAN, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

It is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,  
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 2/22/2018

  
ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

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

IN THE MATTER  
OF  
SHARJEEL KHAN, M.D.

CONSENT  
AGREEMENT

SHARJEEL KHAN, M.D., ("Respondent") represents that all of the following statements are true:

That I have been a "licensee" as that term is defined in N.Y. Pub. Health Law §230(7)(a), at times in and before 2014 while engaged in a Psychiatry Residency Program at Elmhurst Hospital Center, Elmhurst, N.Y. although I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department. I am currently not practicing clinical medicine in any jurisdiction, and do not maintain privileges or affiliations with any hospital or facility. I am currently not licensed as a physician, and do not hold a limited permit to practice medicine, in any jurisdiction.

My current address is [REDACTED]

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two specifications of professional misconduct, as set forth in

a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a (6), and for a period of no less than 3 years, a limitation shall be imposed, precluding the issuance to me of any further license to practice medicine in New York.

I further agree that the Consent Order shall impose the following conditions:

That after the effective date of this Consent Order, Respondent shall be precluded, for at least 3 years, from applying for licensure in New York; and

That Respondent shall not at any time practice medicine in New York as an exempt person within the meaning of N.Y. Educ. Law § 6526 after the effective date of this Consent Order; and

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order

and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order

shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they will be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and all terms and conditions of this Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the terms of this Consent Order, precluding me from applying for licensure by the N.Y. State Education Department and/or Board of Regents for a minimum of 3 years does not grant me any entitlement to apply for or be granted such license at any time, and does not limit the Director of the Office of Professional Medical

Conduct with regard to supporting, opposing, or declining to take any position upon any application by me to the N.Y. State Education Department and/or Board of Regents for licensure. I have been advised that based upon the existing results of the OPMC investigation into my past behavior, the Director should be expected to voice opposition. I agree that this is within the Director's authority. I have been further advised that, as provided by NY Public Health Law §230(10)(a)(v), the OPMC is permitted to and will share information from the OPMC investigation file with other duly authorized public agencies responsible for professional regulation. I agree that this is within OPMC's authority.

I understand and agree that nothing in the terms and conditions of this order limits the authority or discretion of the N.Y. State Education Department and/or Board of Regents to entertain or deny any application I make after the passage of three years.

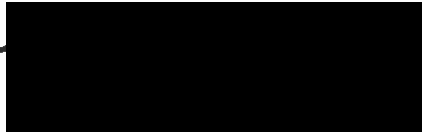
I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 11/22/2017

  
SHARJEEL KHAN, M.D.  
RESPONDENT

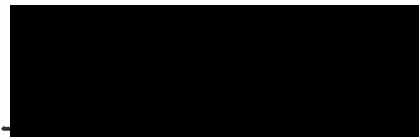
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 2/2/18




NATHAN DEMBIN, ESQ.  
Attorney for Respondent

DATE: 02/22/18



GERARD A. CABRERA  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 2/22/18

*FOR* 

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



**EXHIBIT "A"**  
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER**  
  
**OF**  
  
**SHARJEEL KHAN, M.D.**

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

SHARJEEL KHAN, M.D., the Respondent, has been a "licensee" as that term is defined in N.Y. Pub. Health Law §230(7)(a), at times in and before 2014 while engaged in a Psychiatry Residency Program at Elmhurst Hospital Center, Elmhurst, N.Y., and hereafter will be referred to as "licensee" although he does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. During the period from in or about 2012 through in or about 2013, Respondent, a psychiatry resident at Elmhurst Hospital Center, Elmhurst, N.Y., on repeated occasions and not for an appropriate medical purpose, engaged in unprofessional conduct at the Ambulatory Behavioral Health Services program, including inappropriate touching of Patients A-E. (Patients A-E are identified in attached Appendix "A".)
- B. On or about July 1, 2013, in the Supreme Court of the State of New York, County of New York, Respondent was convicted, by trial, of Attempted Assault in the Third

Degree (three counts) in violation of N.Y. Penal Law § 110/120.00 (1) in that Respondent, in the County of New York, on or about July 22, 2012, July 26, 2012 and August 1, 2012, with intent to cause physical injury to Individual F, attempted to cause such injury to Individual F. (Individual F is identified in attached Appendix "A".)

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**VERBAL OR PHYSICAL ABUSE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

1. Paragraph A.

**SECOND SPECIFICATION**

**CRIMINAL CONVICTION (N.Y.S.)**

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

2. Paragraph B.

*Feb 22, 2018*  
DATE: ~~October~~, 2017  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical Conduct