

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

IN THE MATTER

OF

EYAD ALSABBAGH, M.D.

STATEMENT

OF

CHARGES

EYAD ALSABBAGH, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 28, 2003, by the issuance of license number 227435 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 6, 2022, the Respondent entered a Settlement Agreement with the Florida Department of Health. The Settlement Agreement was approved and adopted as a Final Order by the Florida Board of Medicine on or about October 18, 2022. The Final Order and Settlement Agreement imposed against the Respondent a \$4,000 fine, costs in the amount of \$13,062.28, a requirement to complete continuing medical education courses in the subjects of laws, rules and ethics, recordkeeping, and medical marijuana. The Settlement Agreement resolved an Administrative Complaint filed against the Respondent by the Florida Department of Health that alleged, during Respondent's care and treatment of three patients, Respondent violated FL Stat. § 458.331(1)(g) by failing to perform any statutory or legal obligation placed upon the licensed physician as set out by FL Stat. § 381.986 (2016) which governed the prescribing of THC cannabis, and that Respondent violated FL Stat. § 458.331(1)(m) for failing to keep legible medical records that justified the course of treatment of the patient. The Administrative Complaint alleged, in part, that the Respondent failed to adequately medically justify, or adequately document medical justification, to enter two patients in Florida's medical marijuana program; that the Respondent failed to determine, or failed to adequately document the determination,

that the risks of treating three patients with low-THC cannabis were reasonable in light of the potential benefit to the patients; that Respondent failed to create, or adequately document the creation of, patient treatment plans for three patients that included the dose, route of administration, planned duration, and/or monitoring of the patients' symptoms and other indicators of tolerance or reaction to the low-THC cannabis or medical cannabis; and that Respondent failed to assess or failed to adequately document the location, severity and/or persistence of a patient's muscle spasms.

B. The conduct resulting in the Florida disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York law:

1. New York Education Law section 6530(3) (practicing the profession with negligence on more than one occasion).
2. New York Education Law section 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

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 (namely N.Y. Educ. Law §§ 6530[3] and/or [32]) as alleged in the facts of the following:

1. Paragraphs A, B and B.1 and/or B.2

DATE: July 14, 2023
Albany, New York



JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct