



## Department of Health

ANDREW M. CUOMO  
Governor

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

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

June 4, 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marc S. Nash, Esq.  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
Empire State Plaza  
Albany, New York 12237

John T. Maloney, Esq.  
Carter Conboy  
20 Corporate Woods Boulevard  
Albany, New York 12211

Paul Ambush, M.D.  


**RE: In the Matter of Paul Ambush, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No.18-127) 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.

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

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:

James F. Horan, Esq., Chief 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 Mr. Horan 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 James P. Horan.

James P. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cac  
Enclosure

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

-----X  
:  
**IN THE MATTER**  
:  
**OF**  
:  
**PAUL AMBUSH, M.D.**  
:  
-----X

**DETERMINATION**  
**AND**  
**ORDER**  
BPMC-18-127

A hearing was held on May 17, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **KENDRICK A. SEARS, M.D.**, Chairperson, **AMIT M. SHELAT, D.O., FACP** and **DENNIS P. ZIMMERMAN, M.S., CRC**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **DAWN MacKILLOP-SOLLER, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Marc S. Nash, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges dated March 6, 2018 were duly served upon Paul Ambush, M.D. (Respondent), who appeared at the hearing represented by John T. Maloney, Esq. (Exhibit 2.) The Hearing Committee received and examined documents from the Department (Exhibits 1-4) and the Respondent (Exhibits A-D) and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charge that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) 6530(9)(a)(d), and that the penalty of censure and reprimand is appropriate.

## BACKGROUND

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 Educ. Law 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law 6530(9)(d), "having [his] license to practice medicine revoked, suspended or having other disciplinary action taken..." where the conduct resulting in such disciplinary action taken against his license to practice medicine would, if committed in the state of New York, constitute professional misconduct under the laws of the state of New York. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

## FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Paul Ambush, M.D., the Respondent, was licensed to practice medicine in New York on April 14, 1993, by the issuance of license number 191900 by the Education Department. (Exhibit 3.)

2. In a Consent Order effective June 12, 2017, the Maryland State Board of Physicians (Maryland Board) found the Respondent guilty of professional misconduct based on prescriptions he issued to two adult patients in 2014 and 2015 without maintaining medical records or coordinating care with the patients' primary care physicians. The Maryland Board also found the Respondent issued prescriptions intended for one patient, yet wrote them in the name of the other patient. Based on this conduct, the Maryland Board reprimanded the Respondent's Maryland medical license and imposed 18 months of probation with terms and conditions, including payment of a \$5,000 civil fine, completion of a medical ethics course, medical chart and/or peer review and quarterly monitoring of the Respondent's prescriptions for controlled substances. (Exhibit 4.)

## VOTE OF THE HEARING COMMITTEE

### FIRST SPECIFICATION

The Hearing Committee concluded that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law 6530(9)(d).

VOTE: Sustained (3-0)

### CONCLUSIONS OF LAW

The Maryland Board found that in the care the Respondent rendered to two patients, he issued multiple prescriptions for drugs, including controlled substances, without consulting the patients' primary care providers or maintaining medical records. Also, he wrote prescriptions intended for one of the patients in the name of the other patient. Like Maryland, New York requires that physicians issue accurate prescriptions and document and keep medical records. The Hearing Committee considered the purpose in these requirements is to apprise other providers of important drug information, such as dosage amounts and frequencies. Had the Respondent's disregard of these obligations occurred in New York, it would have constituted negligence on more than one occasion, as defined in Educ. Law 6530(3), and a failure to maintain a record for a patient which accurately reflects the evaluation of the patient, as defined in Educ. Law 6530(32).

The Respondent blamed his documentation deficiencies on his efforts to render palliative care to a dying patient, with whom he had a personal relationship, and to provide prescriptions for antibiotics and steroids in that patient's name intended for a different patient, who was uninsured. The Respondent took complete responsibility for his documentation failures and is complying with the Maryland Board's requirements, which underscored for the Hearing Committee his commitment to his pediatric practice of approximately 2,000 patients. As such, in considering the full spectrum of penalties available under PHL 230-a, including revocation, suspension and/or probation, censure and

reprimand, and the imposition of monetary penalties, the Hearing Committee determined that the Respondent's medical license be subject to a censure and reprimand.

**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 New York State is subject to a censure and reprimand; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

**DATED:** Albany, New York  
6/1, 2018

  
Kendrick A. Sears, M.D., Chairperson

Amit M. Shelat, D.O., FACP  
Dennis P. Zimmerman, M.S., CRC

**TO:** John T. Maloney, Esq.  
Carter Conboy  
20 Corporate Woods Boulevard  
Albany, New York 12211-2396

Paul Ambush, M.D.  


Marc S. Nash, Esq.  
Senior Attorney  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
Empire State Plaza  
Albany, New York 12237

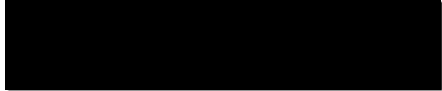
# APPENDIX I

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

IN THE MATTER  
OF  
PAUL AMBUSH, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: PAUL AMBUSH, M.D.



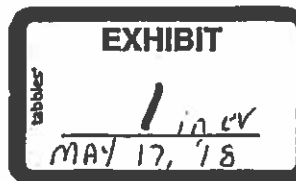
PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on May 17, 2018, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719,<sup>1</sup> and at such other adjourned dates, times and places as the committee may direct.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".





If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
March 6, 2018

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Marc S. Nash  
Senior Attorney  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

cc: Michael von Diezelski, Esq.  
von Diezelski & Turgeon, LLC  
1410 Forest Drive – Suite 26  
Annapolis, Maryland 21403

IN THE MATTER

OF

PAUL AMBUSH, M.D.

STATEMENT

OF

CHARGES

PAUL AMBUSH, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 14, 1993, by the issuance of license number 191900 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent, on or about June 12, 2017, entered into a Consent Order with the Maryland State Board of Physicians (hereinafter "Maryland Board"), at which time Respondent was reprimanded, placed on probation for a minimum period of eighteen months, and assessed a fine in the amount of Five Thousand Dollars (\$5,000.00). During the period of probation, Respondent was directed to take and complete a Board disciplinary panel-approved course in medical ethics that includes specific education on professional boundaries and be subject to a chart and/or peer review. In ordering this discipline, the Maryland Board found that Respondent and a female patient (Patient A) entered into a personal relationship, and during that time, Respondent wrote 35 prescriptions for Patient A and failed to maintain any medical records for her. The Maryland Board further found that Respondent treated a friend of Patient A (Patient B) inside Patient A's apartment and that Respondent wrote prescriptions for

Patient B in Patient A's name and that Respondent did not maintain medical records for Patient. B.

B. The conduct resulting in the Maryland Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following Sections of New York State Laws:

1. New York Education Law § 6530(3) (Practicing the profession with negligence on more than one occasion); and/or
2. New York Education Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, provided).

**SPECIFICATION OF CHARGES**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her 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 (32) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1 and/or A and B and B.2.

DATE: March 6, 2018  
Albany, New York



MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct