



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

Wendy E. Saunders  
Chief of Staff

February 25, 2009

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Sajjad A. Khan, M.D.

Redacted Address

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Carolyn Reinach Wolf, Esq.

Abrams Fensterman

1111 Marcus Avenue

Suite 107

Lake Success, New York 11042

Denise Lepicier, Esq.

NYS Department of Health

90 Church Street - 4<sup>th</sup> Floor

New York, New York 10007

**RE: In the Matter of Sajjad Ali Khan, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 09-29) 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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,

Redacted Signature

James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

**IN THE MATTER  
OF  
SAJJAD ALI KHAN, M.D.**

**DETERMINATION**

**AND**

**ORDER**

BPMC #09-29

**COPY**

A Notice of Hearing and Statement of Charges dated November 21, 2008, were served upon the Respondent, SAJJAD ALI KHAN, M.D. **RICHARD N. ASHLEY, M.D.** (Chair), **CINDY HOFFMAN, D.O.** and **CARMELA TORRELLI** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter "the Committee") in this matter pursuant to §230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER**, served as the Administrative Officer for the Hearing Committee.

The Department of Health appeared by **DENISE LEPICIER, ESQ.**, Associate Counsel. The Respondent appeared by **ABRAMS FENSTERMAN et al., CAROLYN REINACH WOLF, ESQ.**, of Counsel.

Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

## PROCEDURAL HISTORY

Date of Notice of Hearing & Statement of Charges:	November 21, 2008
Date of Hearing:	January 21, 2009
Date of Deliberations:	January 21, 2009

## STATEMENT OF CASE

The Statement of Charges alleged the Respondent violated a single category of professional misconduct: namely failure to comply with an order to submit to a medical or psychiatric examination. A copy of the Statement of Charges is attached to this Determination and Order and made a part thereof as Appendix I.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the evidence presented in this matter. All Findings and Conclusions herein are the unanimous determination of the Committee. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were established by at least a preponderance of the evidence. Having heard testimony and considered evidence presented by the Department of Health and the Respondent respectively, the Committee hereby makes the following findings of fact.

1. Sajjad Ali Khan, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State on or about November 28, 2005, by the issuance of license number 238369 by the New York State Education Department. (Ex. 2)
2. On or about May 13, 2008, a Committee on Professional Conduct of the New York State Board for Professional Medical Conduct ordered the Respondent to submit to an examination by and cooperate with Arnold E. Merriam, M.D., because the Committee had found reason to believe that the Respondent may be impaired by alcohol, drugs, physical disability or mental disability. (Ex. 3)
3. As of January 21, 2009, the Respondent had not complied with the Order of the Board for Professional Medical Conduct issued May 13, 2008. (T. 9; Ex. 4, Res. Ex. A)

### **CONCLUSIONS**

Based on the Findings of Fact noted above the Committee concluded that the Factual Allegations were proven by a preponderance of the evidence. Accordingly, the Committee found the Specification of Misconduct, Failure to Comply with an Order issued pursuant to Public Health Law Section 230(7) as set forth in the Statement of Charges is **SUSTAINED**.

## **DISCUSSION**

A duly constituted Committee of the New York State Board for Professional Medical Conduct ordered the Respondent to submit to a medical and/or psychiatric examination by a designated physician. There is no dispute that the Respondent has not complied with this Order.

## **DETERMINATION AS TO PENALTY**

The Committee, pursuant to the findings of Fact and Conclusions set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be suspended indefinitely until he satisfied the contingencies noted in this order. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand and the imposition of monetary penalties.

The record in this matter is clear that the Respondent failed to comply with an Order of the Board that he be assessed and evaluated by a designated examining physician. This Order was issued because the Board found reason to believe that the Respondent may be impaired by alcohol, drugs, physical disability or mental disability.

Each licensed New York State physician must meet certain minimum standards. A physician who undertakes the care and treatment of a patient must provide safe treatment in compliance with minimally accepted standards of medical practice. These minimum standards must be met regardless of the licensed physician's specialty or calling. Respondent's representation that he is a medical doctor, licensed in New York State obligates him to practice medicine within the appropriate medical standard of care that applies to all physicians. The Committee is entrusted to carry out the duty, to the best of its ability, to insure that the citizens of New York are provided safe medical care by physicians. The Committee unanimously determined that at this time it cannot determine that the Respondent will provide that level of care to patients. Therefore the Respondent's license is suspended until such time as he complies with the conditions of this Order.

### **ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First Specification of professional misconduct, as set forth in the Statement of Charges (Appendix 1, attached hereto and made a part of this Determination and Order) is **SUSTAINED**; and
2. The Respondent's license to practice medicine in New York State is **SUSPENDED** until 30 days after Dr. Arnold E. Merriam deems the examination of the Respondent is completed and a final examination report of Dr. Arnold E. Merriam's is received by the New York State Board for Professional Medical Conduct.

3. This ORDER shall be effective upon service on the Respondent which shall be either by certified mail at the Respondent's last known address (to be effective upon receipt or seven days after mailing, whichever is earlier) or by personal service (to be effective upon receipt).

**DATED:** Garden City, New York  
Feb 23, 2009

Redacted Signature

**RICHARD N. ASHLEY, M.D.,  
CHAIR**

**CINDY HOFFMAN, D.O.  
CARMELA TORRELLI**

**To:** Sajjad A. Khan, M.D.

Redacted Address

Carolyn Reinach Wolf, Esq.  
Abrams Fensterman  
1111 Marcus Avenue  
Suite 107  
Lake Success, NY 11042

Denise Lepicier, Esq.  
NYS Department of Health  
90 Church Street  
4<sup>th</sup> Floor  
New York, New York 10007



APPENDIX I

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

IN THE MATTER  
OF  
SAJJAD ALI KHAN, M.D.

STATEMENT  
OF  
CHARGES

SAJJAD ALI KHAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 28, 2005, by the issuance of license number 238369 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about May 13, 2008, the Board for Professional Medical Conduct ordered Respondent to submit to and cooperate with a medical and/or psychiatric examination with a specified Examining Physician, and to commence this examination before June 13, 2008. Respondent failed to contact the Examining Physician for an appointment or present himself for an examination.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**FAILURE TO COMPLY WITH AN ORDER**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to

subdivision seven of section two hundred thirty of the public health law, as alleged in the facts of:

1. Paragraph A.

DATE: November 27, 2008  
New York, New York

Redacted Signature

  
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Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct