



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 30, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nathaniel White, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower, ESP
Albany, New York 12237

Faizuddin Shareef, D.O.
[REDACTED]

Faizuddin Shareef, D.O.
[REDACTED]

Faizuddin Shareef, D.O.
[REDACTED]

RE: In the Matter of Faizuddin Shareef, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 20-162) 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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. 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 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., 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,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
FAIZUDDIN SHAREEF, D.O.
-----X

DETERMINATION
AND
ORDER
20-162

A hearing was held on June 10, 2020, remotely via WebEx. Pursuant to Public Health Law (PHL) § 230(10)(e), Richard F. Kasulke, M.D., Chairperson, Steven I. Sherman, D.O., and Heidi B. Miller, PA-C, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Nathaniel White, Associate Counsel. A Notice of Referral Proceeding and Statement of Charges dated January 28, 2020, were duly served upon Faizuddin Shareef, D.O., (Respondent), who did not appear at the hearing.¹

The Hearing Committee received and examined documents from the Department. (Exhibits 1-15.) The ALJ marked four exhibits into the hearing record. (ALJ Ex. I-IV.) A stenographic reporter prepared a transcript of the proceeding.

¹ The Notice of Referral Proceeding stated that the hearing would be held at the offices of the New York State Department of Health, Rochester, New York, on March 19, 2020. Due to the COVID-19 pandemic, the hearing was rescheduled to June 10, 2020. (Dept. Exs. 12-15.) By letter dated June 2, 2020, the ALJ informed the Respondent that the hearing would commence remotely via WebEx and directed him to contact the Bureau of Adjudication to provide an email address to receive an invitation to join the hearing (ALJ Ex. I.) On June 3, 2020, the ALJ emailed the hearing invitation to the Respondent, using an email address provided by the Department, and the Respondent accepted the invitation that same day. (ALJ Ex. II.) The invitation contained all the information necessary to join the hearing remotely, including a link to join and the time the hearing was scheduled to commence. After the hearing commenced, the Respondent contacted the Bureau of Adjudication and was once again provided with the information to join the hearing remotely. (ALJ Ex. IV.) The Respondent attempted to join the remote hearing room more than an hour after the hearing was scheduled to commence, by which time his hearing had concluded and another hearing was in progress.

BACKGROUND

The Department brought this 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 two specifications of professional misconduct pursuant to Educ. Law § 6530(9)(b) "[h]aving been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state" and Educ. Law § 6530(9)(d) for "[h]aving 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."

Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

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

1. Faizuddin Shareef, D.O., the Respondent, was authorized to practice medicine in New York State on October 15, 2007 by the issuance of license number 246490 by the New York State Education Department. (Ex. 9.)

2. On June 17, 2019, the Medical Licensing Board of Indiana issued a disciplinary Order indefinitely suspending the Respondent's license to practice medicine in Indiana for a minimum of one (1) year. Pursuant to the Order, the Respondent may petition for reinstatement following completion of a clinical competency assessment and educational intervention by the Center for Personalized Education for Professionals (CPEP) as well as completion of CPEP courses in prescribing controlled substances and medical record-keeping. Pursuant to the Order the Respondent must also undergo a psychological evaluation including a mental status exam prior to petitioning for reinstatement. (Dept. Ex. 10.)

3. The Order resolved an Administrative Complaint filed on March 8, 2019 that alleged deficiencies in the Respondent's care and treatment of eight (8) patients in his practice of substance abuse counseling and treatment. The Order included findings by the Board that the Respondent violated various provisions of Indiana law and specified, among other things, a failure to exercise reasonable care and practicing medicine while unfit due to professional incompetence. (Dept. Exs. 10-11.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee decides, by a vote of 3-0, that the evidence supports sustaining the charge of the Respondent having committed professional misconduct as defined in Educ. Law §§ 6530(9)(b) & (d).

HEARING COMMITTEE DETERMINATIONS

The Hearing Committee concludes that the Respondent's conduct resulting in the Medical Licensing Board of Indiana's finding of professional misconduct and disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(3) – “[p]racticing the profession with negligence on more than one occasion”;

Educ. Law § 6530(5) – “[p]racticing the profession with incompetence on more than one occasion”; and

Educ. Law § 6530(32) – “[f]ailing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient”.

The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. Given the nature of the findings by the Medical Licensing Board of Indiana the Hearing Committee unanimously agrees with the Department's recommendation. The Hearing Committee is highly concerned about the danger the Respondent poses to the public in the State of New York should the Respondent be allowed to practice medicine in this state. In addition to the Medical Licensing Board of Indiana's findings for all eight (8) patients that demonstrate negligence and incompetence, the Hearing Committee notes the findings by that entity that the Respondent (1) made notations in one patient's medical record indicating that he saw the patient on three separate occasions months after the patient died; and (2) ran a prescription history check for the first time on another patient 16 days after the patient died. (Dept. Ex. 10.) The Hearing Committee also considered the Respondent's communications with the Department pertaining to this matter (Dept. Exs. 6-8), his failure to appear at the hearing, and reservations as to the Respondent's mental competency based on the findings and Order in Indiana.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The two specifications of professional misconduct as set forth in the Statement of Charges are sustained;
2. The Respondent's license to practice medicine in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: June 29, 2020
Geneva, New York


Richard F. Kasulke, M.D., Chairperson
Steven I. Sherman, D.O.
Heidi B. Miller, PA-C

Nathaniel White
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
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Albany, New York 12237

Faizuddin Shareef, D.O.


Faizuddin Shareef, D.O.


Faizuddin Shareef, D.O.


Faizuddin Shareef, D.O.


APPENDIX I

IN THE MATTER
OF
FAIZUDDIN SHAREEF, D.O.

STATEMENT
OF
CHARGES

FAIZUDDIN SHAREEF, D.O., the Respondent, was authorized to practice medicine in New York State on or about October 15, 2007, by the issuance of license number 246490 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 17, 2019, the Medical Licensing Board of Indiana (Board) issued a disciplinary Order that indefinitely suspended the Respondent's Indiana medical license for a minimum period of one year. The Respondent may petition the Board for reinstatement following completion of a clinical competency assessment and educational intervention by the Center for Personalized Education for Professionals (CPEP), as well as completion of CPEP courses in prescribing controlled drugs and medical record keeping. Respondent must also undergo a psychological evaluation which includes a mental status exam prior to petitioning for reinstatement. The Board found that the Respondent violated various provisions of Indiana law that include a failure to exercise reasonable care, and practicing while unfit due to professional incompetence, among other things. The Order resolved an Administrative Complaint filed on or about March 8, 2019 that alleged deficiencies in the care and treatment of eight patients.

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

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(5) (practicing the profession with incompetence on more than one occasion); and/or
3. New York Education Law § 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530[3], [5] and/or [32]) as alleged in the facts of the following:

1. Paragraphs A and B.

SECOND SPECIFICATION

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], [5] and/or [32]) as alleged in the facts of the following:

2: Paragraphs A and B.

DATE: January 28, 2020
Albany, New York


TIMOTHY J. MAJAR
Deputy Counsel
Bureau of Professional Medical Conduct