



Department of Health

KATHY HOCHUL
Governor


JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

March 23, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
NYS Department of Health
Corning Tower - Room 2512
Empire State Plaza
Albany, New York 12237

Daniel Alzheimer, MD


RE: In the Matter of Daniel Alzheimer, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-060) 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.

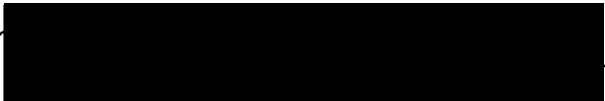
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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 box redacting the signature of the Chief Administrative Law Judge.

Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

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

COPY

In the matter of

Daniel Alzheimer, MD
NYS license # 297596

**Determination
and Order**

████████████████████
BPMC-23-060

A notice of referral proceeding and statement of charges dated February 8, 2023 were served on Respondent **Daniel Alzheimer, MD**. (Exhibit 3.) The statement of charges alleged professional misconduct in violation of New York State Education Law (Ed.L) 6530. A hearing was held at offices of the New York State Department of Health on March 22, 2023, by videoconference. Pursuant to Public Health Law (PHL) 230(10)(e), **Paul J. Lambiase**, Chair, **William A. Tedesco, MD**, and **Ashwani Chhibber, MD**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Marc S. Nash, Esq.** **Daniel Alzheimer, MD** (the Respondent) did not appear, although duly served with notice of the hearing in conformity with the requirements of PHL 230(10)(d). (Exhibits 1, 2.) After consideration of the entire record, the hearing committee issues this determination and order sustaining the charges and revoking the Respondent's license to practice medicine.

JURISDICTION

The Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(d). Pursuant to PHL 230(10)(p), a hearing on limited issues, or "direct referral

proceeding,” is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, for conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Penalties which may be imposed are set forth at PHL 230-a. Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

The Petitioner relied on documents presented at the hearing (Exhibits 1-5.) A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Daniel Alzheimer, MD was authorized to practice medicine in New York State on February 13, 2019 under license number 297596. (Exhibit 5.)
2. By order dated April 11, 2022, the Medical Board of Colorado issued an order suspending the Respondent’s medical license. The order was based on the Respondent’s failure to comply with an order requiring him to submit to an evaluation after the Colorado Board received and reviewed a report that he suffered from a mental or physical illness that affected his competency. (Exhibit 4.)

HEARING COMMITTEE DETERMINATION

The Colorado Board received a report from the facility at which the Respondent practiced that he was suspected of suffering from a mental or physical illness that affected his competency. On March 11, 2022, after it reviewed the report, a Board Inquiry Panel ordered the Respondent to submit to an evaluation and directed him to contact and cooperate with the

panel by March 18. Because the Respondent failed to comply with the order and failed to contact the panel, the Colorado Board suspended his medical license. (Exhibit 4.)

The hearing committee agreed that the Respondent's failure to comply with the Colorado Board's order to submit to an evaluation would, if committed in New York, constitute misconduct pursuant to Ed.L 6530(15), failure to comply with an order issued pursuant to PHL 230(7)(a).

The hearing committee unanimously determined (3-0) that, as alleged in the statement of charges, the Colorado Board's action established the Respondent violated Ed.L 6530(9)(d) which defines professional misconduct, in pertinent part, as:

9. (d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, ... where the conduct resulting in the revocation, suspension or other disciplinary action involving the license... would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Petitioner recommended revocation of the Respondent's license. The hearing committee agreed that the Respondent's failure to comply with a Colorado Board order and submit to an evaluation when there was reason to suspect he was not competent to practice was a matter for serious concern. The hearing committee concluded that the seriousness of the misconduct, together with the Respondent's failure to communicate with New York licensing authorities about or respond to the charges, justified the revocation of the Respondent's license to practice in New York. Although duly served with notice of the hearing, the Respondent failed to appear and failed to offer any evidence or argument to persuade the committee to a different conclusion. The hearing committee unanimously (3-0) determined that revocation of the Respondent's license pursuant to PHL 230-a(4) is an appropriate penalty.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is **REVOKED**.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York
March 23, 2023

By:

[REDACTED]
Paul J. Lambiase, Chair

William A. Tedesco, MD
Ashwani Chhibber, MD

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237

Daniel Alzheimer, MD
[REDACTED]

IN THE MATTER
OF
DANIEL ALZHEIMER, M.D.

STATEMENT
OF
CHARGES

DANIEL ALZHEIMER, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 13, 2019, by the issuance of license number 297596 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 11, 2022, the Medical Board of Colorado (“Colorado Board”) issued an Order suspending Respondent’s Colorado medical license. The Order was based on a March 10, 2022 Panel review of a report from the facility where Respondent practiced, suspecting Respondent of suffering from a mental or physical illness that affected his competency and that permitting him to continue to practice would endanger the public health, safety, or welfare. On that same date, the Panel voted to require the Respondent to complete an evaluation with the Colorado Physician Health Program (“CPHP”). On or about March 11, 2022, the Panel issued an Order requiring Respondent to submit to a mental or physical exam by CPHP. On April 7, 2022, the Panel reviewed communications from CPHP that Respondent failed to contact CPHP. On April 11, 2022, the Board found that Respondent failed to comply with CPHP’s requirements for evaluation and thus failed to comply with the requirements of the Order to CPHP.

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

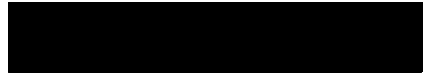
1. N.Y. Educ. Law § 6530(15) (Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law).

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 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 as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and/or B1.

DATE: February 8, 2023
Albany, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct