



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

August 18, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower - Room 2512
Empire State Plaza
Albany, NY 12237

Robert S. Iwrey, Esq.
The Dresevic, Iwrey, Kalmowitz & Pendleton Law Group
15 West 38th Street
4th Floor, Suite 735
New York, NY 10018

RE: In the Matter of Farhaad Riyaz, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-188) 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:

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 Judge 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 redaction box covering the signature of Sean D. O'Brien.

Sean D. O'Brien
Acting Chief Administrative Law Judge
Bureau of Adjudication

SDO: nm
Enclosure

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

COPY

-----X
: IN THE MATTER :
: OF :
: FARHAAD RIYAZ, M.D. :
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DETERMINATION
AND
ORDER

BPMC-22-188

A hearing was held on August 10, 2022, by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Kenneth J. Steier, DO, Chairperson, Gregory Allen Threatte, MD, and Thomas Lahut, DHSc, 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 Marc S. Nash, Esq. A Notice of Referral Proceeding and Statement of Charges dated July 7, 2022, were duly served upon Farhaad Riyaz, MD (Respondent), who appeared at the hearing with his attorney, Robert S. Iwrey, Esq., and provided testimony.

The Hearing Committee received and examined documents from the Department (Dept. Exs. 1-6), the Respondent (Resp. Exs. A-G) and the ALJ (ALJ Exs. I & II). A stenographic reporter prepared a transcript of the proceeding.

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 one specification of professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) for having been convicted of an act constituting a crime under federal law.

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. The Respondent was licensed to practice medicine in New York State on July 6, 2020, by issuance of license number 306128. (Dept. Ex. 3.)

2. On March 22, 2022, in the United States District Court, Eastern District of Virginia, the Respondent was convicted, following a plea agreement, of one count of Mail Fraud [18 U.S.C. § 1341] and sentenced to one day of imprisonment followed by three years of supervised release, fined and assessed \$20,100, and ordered to pay \$312,964.38 in restitution. (Dept. Ex. 4.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charges that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(a)(ii).

HEARING COMMITTEE DETERMINATIONS

It is undisputed that the Respondent was convicted of committing an act constituting a crime under federal law. Such conviction constitutes professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii).

The Respondent testified about his mail fraud conviction and admitted that over the course of several years he ordered items online from Amazon and then claimed that the items did not arrive or returned items of lesser value. The Respondent expressed remorse for his behavior. While not

making an excuse for his behavior, he testified that it started as an inappropriate vindictiveness to correct an injustice he felt based on problems he had with items he had ordered online from Amazon previously. The Respondent also testified that he had undiagnosed [REDACTED], a contributing factor to his behavior, which is now under control and treated by a combination of medication and therapy.

The Respondent testified that he currently resides in Michigan with his wife and young child, and that he has no intention of moving to New York State. He stated that he is currently licensed in 39 states and the District of Columbia, is board certified in dermatology and Mohs surgery, and has a telemedicine practice in addition to a physical practice in Michigan. The Respondent testified that his medical license in New York State is important to him as patients from New York make up a significant portion of his telemedicine practice.

The Department recommended that the Respondent receive a censure and reprimand, be fined \$4,000, and be ordered to take continuing medical education on the topic of ethics.

The Hearing Committee appreciated the Respondent's candor in discussing his [REDACTED] and his acknowledgement that regardless his behavior was wrong. It also appreciated the remorse expressed by the Respondent. The Hearing Committee notes that the Respondent holds himself accountable for his behavior leading to his conviction and that the Respondent appears to have fully addressed his behavior and is engaged in meaningful and successful treatment of his [REDACTED]. The Hearing Committee notes that the Respondent has a family support system in place to monitor his behavior going forward. It also notes that the Respondent has been an active contributor to the medical needs of his community through volunteerism and his medical practice, and that the federal conviction giving rise to this matter is unrelated to his technical practice of medicine.

The Hearing Committee finds that a censure and reprimand and five hours of continuing medical education on the topic of ethics each year for the next three years is an appropriate penalty to protect the public. The Hearing Committee declines to impose a fine, noting that the Respondent has made full restitution, has been fined by the federal court in which he was convicted, and that the

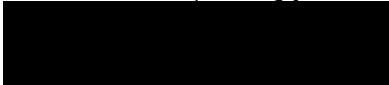
conviction was not related to the Respondent's technical practice of medicine.

ORDER


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

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent is subject to censure and reprimand pursuant to PHL § 230-a(1);
3. The Respondent is required to complete five hours of continuing medical education on the topic of ethics each year for the next three years pursuant to PHL§ 230-a(8). The Respondent must submit proof of completion of the same to the Director of the Office of Professional Medical Conduct by the end of each year, which years shall run from the September 1st to August 31st; and
4. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).


Dated: Albany, New York
August 15, 2022


Kenneth J. Steier, DO, Chairperson
Gregory Allen Threatte, MD
Thomas Lahut, DHSc, PA-C

Marc S. Nash
Associate Counsel
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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
FARHAAD RIYAZ, M.D.

STATEMENT
OF
CHARGES

FARHAAD RIYAZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 6, 2020, by the issuance of license number 306128 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 22, 2022, in the United States District Court, Eastern District of Virginia, Respondent was convicted of one count of Mail Fraud [18 U.S.C. § 1341] and sentenced to 1 day imprisonment followed by three years of supervised release, fined and assessed \$20,100, and ordered to pay \$312,964.38 in restitution.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.

DATE: July 7, 2022
Albany, New York



JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct