



# 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

April 22, 2008

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Igor Chanmin, M.D.  
Redacted Address

Douglas M. Nadjari, Esq.  
Kern, Augstine, Conroy &  
Schoppman, P.C.  
420 Lakeville Road  
Lake Success, New York 11042

Robert Bogan, Esq.  
NYS Department of Health  
433 River Street - 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Igor Chanmin, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-65) 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  
IGOR CHANMIN, M.D.**

**DETERMINATION  
AND  
ORDER**

BPMC # 08-65

**COPY**

A Notice of Referral Proceeding and Amended Statement of Charges, dated November 2007, were served upon the Respondent, **IGOR CHANMIN M.D.**<sup>1</sup>, **IRVING S. CAPLAN (Chair)**, **GREGORY FRIED M.D.**, and **SHELDON GAYLIN M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **KIMBERLY A. O'BRIEN ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by, Thomas Conway, Esq., General Counsel, **ROBERT BOGAN ESQ.**, of counsel. The Respondent appeared in person and by Counsel **DOUGLAS NADJARI ESQ.** Evidence was received, witnesses sworn and heard and transcripts of these proceedings were made.

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

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged

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<sup>1</sup> The New York State Education Department licensing file (hereinafter NYSED File) indicates that the Respondent's last name as it appears on his medical license is "CHANMIN," and the NYSED file also indicates Respondent uses "CHAN MIN" ( See Ex. 4). The hearing record and other documents admitted into evidence indicate that the Respondent's last name is also spelled "ChanMin" and "Chan Min." The heading on Respondent's resume reads "Igor Chanmin, M.D., while a stamp appearing in the lower right hand corner of the same document reads "Igor Chan Min,MD" (See Ex. A).

with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

### **WITNESSES**

For the Petitioner: None

For the Respondent: Boris Avizbakiev MD, Igor ChanMin MD, Marina ChanMin, Galina Gabinsky, Jacqueline Kessler, Arkaidy Kozlovsky, Sonia Postrigach, Detective Arthur Scalzo, Yvgeny Vilnyskaya.

### **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. Having heard testimony and considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses 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 unanimous unless otherwise noted.

1. **IGOR CHANMIN, M.D.**, (hereinafter " Respondent"), was authorized to

practice medicine in New York State on September 25, 2000, by the issuance of license number 219338 by the New York State Education Department (Ex. 4).

2. On or about March 18, 2005, in the County Court of the County of Suffolk (hereinafter Suffolk County Court), the Respondent was convicted of violating New York Penal Law (hereinafter NYPL) including: Conspiracy in the fourth degree a Class E felony, in violation of NYPL Section 105.10; four counts of Insurance Fraud in the third degree a Class D felony, in violation of NYPL Section 176.20; four counts of Reckless Endangerment in the second degree a Class A misdemeanor, in violation of NYPL Section 120.20. On or about July 23, 2007, the Respondent was sentenced to time served and to pay One Thousand Two Hundred and Fifty Dollars (\$1,250.00) in fees (Ex. 5).

3. On or about March 2005, the Respondent began cooperating with the Suffolk County District Attorney's Office and his cooperation has resulted in multiple arrests (Ex. F&G).

### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concluded that the Respondent has been convicted of acts constituting a crime under New York State Law and violated New York State Education Law Section 6530(9)(a)(i). The Hearing Committee has voted to sustain the sole specification set forth in Appendix 1. VOTE: Sustained (3-0)

### **HEARING COMMITTEE DETERMINATION**

It is unrefuted that the Respondent was recently convicted of multiple crimes. The convictions relate to Respondent's participation in a fraudulent no-fault insurance scheme where "patients" were paid to make false medical complaints about injuries related to "staged" auto accidents. The Respondent billed the no fault insurance program for examinations and tests for these "patients."

The Respondent presented testimony from nine witnesses including himself.

The Hearing Committee was not favorably impressed with Respondent's testimony about his business practices relating to the operation of "I. ChanMin Medical" a home based home health practice. The Respondent has not dissolved a number of "unused" corporations that were created before his criminal convictions, and after his license was suspended he created another separate corporation for his wife, so that she could continue to bill for services provided to physicians who are "covering" for the Respondent (Tr. Pp. 68, 101-103). Dr. Avizbakiev's testimony about his current and former business relationship with "I. ChanMin Medical" served only to heighten the Committee's concern about Respondent's business practices (Tr. Pp. 146-148, 151-152, 154-158). Of most concern to the Hearing Committee was that Respondent did not provide any evidence that he has received formal training to operate a home based home health practice or specialized medical training in the areas of home health or gerontology.

The Committee was favorably impressed with Respondent's expressions of remorse and his testimony about his dedication to serving elderly home bound patients. The Hearing Committee afforded considerable weight to the testimony of Detective Arthur Scalzo, who testified that the Respondent put himself and his family in great danger to cooperate with law enforcement officials. The Respondent provided extensive information about insurance fraud operations, wore a wire on a number of occasions to record conversations about illegal activity, and contributed Fifty Thousand Dollars (\$50,000.00) of his own money (which will not be reimbursed) to assist law enforcement with an insurance fraud investigation (Tr. Pp. 108-123, See Ex. F&G ). The Hearing Committee was also impressed with the witnesses who traveled a considerable distance to testify about the care the Respondent provided to their family members. The witnesses described the Respondent as a dedicated and compassionate care giver, who made himself available anytime of the day or night to consult with his home bound patients. The Hearing Committee concluded that the Respondent is remorseful

and has dedicated himself to treating elderly home bound patients.

In this instance, the Hearing Committee's role was to determine what was the appropriate penalty. Based on the foregoing, the Hearing Committee has determined that it is not necessary to revoke the Respondent's license to protect the public. After carefully weighing Respondent's recent and serious criminal convictions against the mitigating evidence offered by the Respondent at the hearing, the Hearing Committee concluded that: Respondent's license shall be suspended for a period of one (1) year and during this period of suspension he shall complete thirty (30) hours of Continuing Medical Education in his self designated specialties of home health care and gerontology, and the Respondent shall be placed on probation for a period of five (5) years and shall follow the terms of probation annexed and attached hereto as "Exhibit B" which includes: a practice monitor, and Continuing Medical Education.

### **ORDER**

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

1. The Respondent's license to practice medicine in New York State is hereby **SUSPENDED for one (1) year**, and during the suspension period he shall enroll in and complete a continuing education program to be equivalent to at least thirty (30) credit hours in the areas of home care medicine and gerontology. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period as specified herein;
2. The Respondent shall be on **PROBATION for a period of five (5) years and shall comply with the terms of probation which are annexed and attached hereto as "Appendix B"**;
3. This Order shall be effective upon service on the Respondent in accordance

with the requirements of Public Health Law Section 230(10)(h).

DATED: 4-20, New York  
2008

Redacted Signature

~~IRVING S. CAPLAN (CHAIR)~~  
GREGORY FRIED, M.D.  
SHELDON GAYLIN, M.D.

TO: Igor ChanMin, M.D.  
Redacted Address

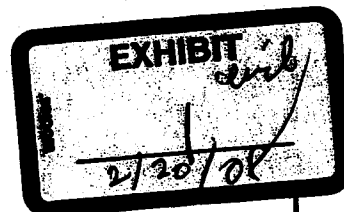
Douglas M. Nadjari, Esq.  
KERN AUGUSTINE CONROY & SCHOPPMAN, P.C.  
420 Lakeville Road  
Lake Success, New York 11042

Robert Bogan, Esq.  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
433 River Street  
Troy, New York 12180



# Appendix 1

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



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IN THE MATTER  
OF  
IGOR CHANMIN, M.D.  
CO-07-05-3129-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: IGOR CHANMIN, M.D.  
Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **IGOR CHANMIN, M.D.**, Respondent, licensed to practice medicine in the State of New York on September 25, 2000, by license number 219338, has been convicted of committing an act constituting a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **IGOR CHANMIN, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,  
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 19<sup>th</sup> day of December 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. 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 FORTH 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

11/21/2007

Redacted Signature

RICHARD F. DAINES, M.D.  
Commissioner of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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

IN THE MATTER  
OF  
IGOR CHANMIN, M.D.  
CO-07-05-3129-A

STATEMENT  
OF  
CHARGES

IGOR CHANMIN, M.D., Respondent, was authorized to practice medicine in New York state on September 25, 2000, by the issuance of license number 219338 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 18, 2005, in the County Court of the County of Suffolk, New York, Respondent was convicted of one (1) count of Conspiracy in the fourth degree, in violation of New York Penal Law §105.10, a class E felony; four (4) counts of Insurance fraud in the third degree, in violation of New York Penal Law §176.20, a class D felony; four (4) counts of Reckless endangerment in the second degree, in violation of New York Penal Law §120.20, a class A misdemeanor; and on or about July 23, 2007, was sentenced to time served and to pay a \$1,000.00 CVA Fee, a \$50.00 DNA Fee, and a \$200.00 surcharge.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Nov. 19*, 2007  
Albany, New York

Redacted Signature  
\_\_\_\_\_  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

## **Appendix B**

### **Terms of Probation**

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.

3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.

4. Respondent shall be on probation for five years and the period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall enroll in and complete a continuing education program in the areas of home care medicine and gerontology to be equivalent to at least thirty (30) credit hours each year of the five years of probation. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period as specified herein.

8. Within thirty (30) days of the effective date of the probation period, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.

- Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least quarterly and shall examine a selection (no less than one dozen) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

- Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC. Each quarterly report shall be completed and submitted within fifteen days of the end of each quarter to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, 4<sup>th</sup> Floor, Empire State Plaza, Albany, New York 12237.

- Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.