



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

April 25, 2001

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

Khodayar Amirbeiki, M.D.  
8200 Wisconsin Avenue  
Apartment 1404  
Bethesda, MD 20814

RE: License No. Resident

Dear Dr. Amirbeiki:

Enclosed please find Order #BPMC 01-101 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 25, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Ann Gayle, Esq.

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


IN THE MATTER  
OF  
KHODAYAR AMIRBEIKI, M.D.

CONSENT  
ORDER  
BPMC No. 01-101

Upon the proposed agreement of Khodayar Amirbeiki, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4/23/01

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

NYS DEPT. OF HEALTH  
DIVISION OF LEGAL AFFAIRS - NYC  
PROFESSIONAL MEDICAL CONDUCT

APR 06 2001  
RECEIVED

**IN THE MATTER  
OF  
KHODAYAR AMIRBEIKI, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

STATE OF NEW YORK )  
COUNTY OF *Montgomery* ) ss.: *213-53-1738*

Khodayar Amirkeiki, M.D., (Respondent) being duly sworn, deposes and says:

That I have been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times on and after July 1, 1998. I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department.

My current address is 8200 Wisconsin Avenue, Apt. 1404, Bethesda, Maryland 20814 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with ten specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the allegations, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Pursuant to N.Y. Public Health Law §230-a(6), a limitation shall be placed upon me precluding any further registration of license by me or issuance of any further license to me to

practice medicine in New York State.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That until and unless I am granted a license to practice medicine in the State of New York, I shall not engage in any practice of medicine in the State of New York, whether as a licensee, holder of a permit, or exempt person, beginning upon the effective date of the Consent Order; and

That I shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding me. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue at all times thereafter.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

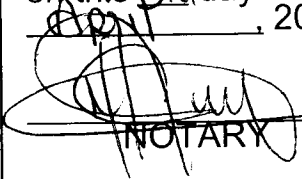
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

  
\_\_\_\_\_  
KHODAYAR AMIRBEIKI, M.D.  
RESPONDENT

DATED 04/03/01

Sworn to before me  
on this 31<sup>st</sup> day of  
April, 2001

  
\_\_\_\_\_  
NOTARY

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: \_\_\_\_\_

\_\_\_\_\_, ESQ.  
Attorney for Respondent

DATE: April 6, 2001

Ann Gayle  
ANN GAYLE  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: April 11, 2001

Dennis J. Graziano  
Dennis J. Graziano  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
KHODAYAR AMIRBEIKI, M.D.

STATEMENT  
OF  
CHARGES

Khodayar Amirbeiki, M.D., the Respondent, has been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times on and after July 1, 1998, and does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent treated Patient A, a then 15 year old female, at Elmhurst Hospital Center, 79-01 Broadway, Elmhurst, New York on or about October 13, 1998.
1. On or about October 15, 1998, Respondent, in the guise of offering further medical treatment, but not for a proper medical purpose, called Patient A at least three times at her home and asked her to meet him at the Elmhurst Hospital Center clinic and instructed her not to report this to her mother.
- B. Respondent treated Patient B, a then 16 year old female, at Elmhurst Hospital Center, 79-01 Broadway, Elmhurst, New York, from approximately May 16 to 18, 1999.
1. On numerous occasions throughout the course of treatment, during purported physical examinations but not for a proper medical purpose, Respondent inappropriately:
    - a. Touched Patient B's breasts.

Exhibit "A"



- b. Unnecessarily exposed Patient B's breasts.
  - c. Kissed Patient B.
  - d. Made inappropriate comments to Patient B.
- C. As a result of the aforesaid conduct, Respondent, on or about May 28, 1999, was terminated from his residency position at Elmhurst Hospital Center. In approximately November 1999, Respondent, in his Resident Application to Long Island Jewish Medical Center ("LIJ"), with intent to deceive LIJ, knowingly and intentionally falsely represented that:
- 1. he had no prior residency positions.
  - 2. he had not been terminated from any previous positions in any other hospital.
- D. On or about April 17, 2000, while Respondent was under investigation by the Office of Professional Medical Conduct ("OPMC"), Respondent, in a telephone interview with OPMC and with the intention of deceiving OPMC, knowingly and intentionally falsely stated that he was employed as a part-time mechanic when in fact he was a resident at Long Island Jewish Medical Center.
- E. Respondent created a *Curriculum Vitae* which knowingly and intentionally falsely did not include his residency at Elmhurst Hospital Center. Said *Curriculum Vitae* was created with the intention of deceiving those to whom he would submit it.
- F. On or about August 17, 2000, during an interview with OPMC, Respondent submitted a copy of the aforesaid *Curriculum Vitae* with the intention of deceiving OPMC, while he was under investigation by OPMC.

## **SPECIFICATION OF CHARGES**

### **FIRST THROUGH SIXTH SPECIFICATIONS**

#### **FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2)(McKinney Supp. 2001) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A and A1.
2. Paragraphs B and B1a-d.
3. Paragraphs C and C1-2.
4. Paragraph D.
5. Paragraph E.
6. Paragraph F.

### **SEVENTH AND EIGHTH SPECIFICATIONS**

#### **WILLFULLY HARASSING, ABUSING AND INTIMIDATING A PATIENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 2001) by willfully harassing, abusing and intimidating Patient A, as alleged in the facts of the following:

7. Paragraphs A and A1.
8. Paragraphs B and B1a-d.

### **NINTH AND TENTH SPECIFICATIONS**

#### **MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2001) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as

alleged in the facts of the following:

9. Paragraphs A and A1.
10. Paragraphs B and B1a-d.

DATED: March , 2001  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct