

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER
OF
AMGAD HESSEIN, M.D.

STATEMENT
OF
CHARGES

AMGAD HESSEIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 5, 1993 by the issuance of license number 193845 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about October 31, 2011, the New Jersey Attorney General filed a Verified Complaint and Order to Show Cause seeking the temporary suspension of Respondent's license. The Verified Complaint alleged that Respondent, who is an anesthesiologist specializing in pain management, engaged in multiple acts of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; multiple acts of gross or repeated negligence, malpractice or incompetence; professional misconduct; multiple acts constituting moral turpitude; multiple violations of New Jersey Board of Medical Examiners (hereinafter "the Board") regulations, including the failure to maintain proper patient records and failure to dispose of expired medications; insurance fraud and the indiscriminate prescription of controlled substance to his patients. The Attorney General's Order to Show Cause seeking the temporary suspension of Respondent's license was heard and granted on November 9, 2011.
- B. In an Order of Temporary Suspension following hearing on or about November 9, 2011, the Board made a finding that Respondent's "continued practice palpably

demonstrates a clear and imminent danger to the public health safety and welfare as his medical records are unreliable and unbelievable, having been fabricated to justify his extraordinary fraud.”

C. The matter was then referred to the New Jersey Office of Administrative Law for a hearing as a contested case. The Administrative Law Judge (hereinafter “ALJ”), following a 17 day hearing, found that Respondent engaged in repeated acts of negligence and gross negligence, fraud, indiscriminate dispensing of controlled substances and that he failed to adhere to Board statutes and regulations. The New Jersey Board adopted in their entirety all findings of fact and conclusions of law of the ALJ and found that Respondent is a fundamentally corrupt and/or incompetent practitioner.

D. On or about April 23, 2012, Commissioner of Health, Nirav R. Shah, M.D. M.P.H., ordered pursuant to New York Public Health Law §230(12)(b) that effective immediately 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.

E. On or about March 28, 2016 the New Jersey Board issued a Final Decision and Order (hereinafter “Final Order”) which revoked the Respondents’ license to practice medicine and surgery in the State of New Jersey, ordered the Respondent to pay civil penalties in the amount of \$130,000 and ordered the Respondent to pay costs in the amount of \$308,749.53.

F. Respondent’s conduct as described above, upon which the finding of professional misconduct in New Jersey was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope);
2. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);
3. New York Education Law §6530(4) (practicing the profession with gross negligence on a particular occasion);

4. New York Education Law §6530(5) (practicing the profession with incompetence on more than one occasion);
5. New York Education Law §6530(6) (practicing the profession with gross incompetence);
6. New York Education Law §6530(11) (permitting, aiding or abetting an unlicensed person to perform activities requiring a license);
7. New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine)
8. New York Education Law §6530(25) (delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them.);
9. New York Education Law §6530(26) (performing professional services which have not been duly authorized by the patient or his or her legal representative); and/or
10. 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

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

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) (2); (3); (4); (5); (6); (11); (20); (25); (26); and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A, B, C, D, E and F.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

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((2); (3); (4); (5); (6); (11); (20); (25); (26); and/or (32)) as alleged in the facts of the following:

2. The facts in Paragraph A, B, C, D, E and F.

N.Y. Educ. Law §§ (6530) (2); (3); (4); (5); (6); (11); (20); (25); (26); and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A, B, C, D, E and F.

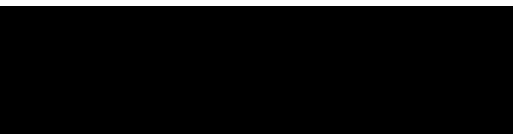
SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

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((2); (3); (4); (5); (6); (11); (20); (25); (26); and/or (32)) as alleged in the facts of the following:

2. The facts in Paragraph A, B, C, D, E and F.

DATE: May 26, 2016
Albany, New York



Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct