



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

October 21, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ian Silverman, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237-0032

Amgad Hessein, M.D.  


**RE: In the Matter of Amgad Hessein, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-346) 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:

James F. Horan, Esq., Chief 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 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,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

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

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**IN THE MATTER  
OF  
AMGAD HESSEIN, M.D.**

**DETERMINATION  
AND COPY  
ORDER  
BPMC #16-346**

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A hearing was held on August 17, 2016 at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding, dated May 25, 2016 and a Statement of Charges, dated May 26, 2016, were served upon the Respondent, Amgad Hessein, M.D.

Pursuant to Section 230(10)(e) of the Public Health Law, Peter B. Kane, M.D., Chair, Randolph H. Manning, Ph.D. and Ronald Uva, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. David A. Lenihan, Esq., Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by Ian Silverman, Esq., of Counsel. The Respondent, Amgad Hessein, M.D. did appear, *pro se*, and was duly served. Evidence was received 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 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 §6530(9)(b) by having been found guilty of improper 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. Respondent is also charged with a violation of New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state. 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:

Amgad Hessein, M.D.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex."

These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Amgad Hessein, M.D., the Respondent, did appear at the hearing and was duly served by service of process, on June 8, 2016. (Petitioner's Exhibit 2)
2. Amgad Hessein, M.D., the Respondent, was authorized to practice medicine in New York State on October 5, 1993, by the issuance of license number 193845 by the New York State Education Department. (Petitioner's Ex. 3)
3. 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 to practice medicine. This 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. (Petitioner's Ex. 5)

4. 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." (Petitioner's Ex. 4)

5. The above matter was then referred to the New Jersey Office of Administrative Law for a hearing as a contested case. The Administrative Law Judge, 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. (Petitioner's Ex. 4)

6. 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. (Petitioner's Ex. 5)

7. On or about March 28, 2016 the New Jersey Board issued a Final Decision and Order which revoked the Respondent's 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. (Petitioner's Ex. 5)

8. 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:

a.) New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope);

b.) New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);

c.) New York Education Law §6530(4) (practicing the profession with gross negligence on a particular occasion);

d.) New York Education Law §6530(5) (practicing the profession with incompetence on more than one occasion);

e.) New York Education Law §6530(6) (practicing the profession with gross incompetence);

f.) New York Education Law §6530(11) (permitting, aiding or abetting an

unlicensed person to perform activities requiring a license);

g.) New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine);

h.) 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.);

i.) 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;

j.) New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

### **VOTE OF THE HEARING COMMITTEE**

#### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

"Respondent violated New York Education 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..."

VOTE: Sustained (3-0)



## SECOND SPECIFICATION

"Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

## HEARING COMMITTEE DETERMINATION

The Respondent did appear at the hearing, in person, *pro se*. The Administrative Officer, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2) ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent and that the hearing could proceed with proper jurisdiction.

The Respondent objected to Petitioner's Exhibit 2 and all the other Agency exhibits claiming that he was not served with the Notice of Referral Proceeding and the Statement of Charges as claimed by the Department. The Respondent based his argument on the fact that the Affidavit of Service indicated a service date of June 8, 2016 and it is notarized June 18, 2026. The ALJ rejected this argument noting on June 14, 2016 he had a conference call with the Respondent and the Department's attorney. During this call the Respondent referred to the documents in question and requested an adjournment so that he could

prepare for the hearing and this request was granted. It was clear that the Respondent had been served with the notice of this hearing and the supporting documents. The objections to jurisdiction were overruled and the hearing proceeded.

The record in this case indicates that back in 2011, the New Jersey Attorney General had filed a Verified Complaint and Order to Show Cause seeking the temporary suspension of Respondent's license to practice medicine. This 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; and multiple violations of New Jersey Board of Medical Examiners regulations. The charges against the Respondent included 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.

This matter was heard on November 9, 2011, and 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."

Thereafter this matter was referred to the New Jersey Office of Administrative Law for a hearing as a contested case. There was a 17 day hearing in 2015 in this matter and the Administrative Law Judge 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.

The above decision of the ALJ was appealed to the State Board of Medical Examiners. They issued a final decision and order which revoked the Respondent's license to practice medicine and surgery in the State of New Jersey, ordered the Respondent to pay civil penalties in the amount of \$130,000.00 and costs in the amount of \$308,749.53.

At the present hearing, the Respondent attempted to re-litigate this matter. This attempt was denied by the Administrative Law Judge. It was explained to the Respondent that he would have to do this in New Jersey and that New York is obliged to give full faith and credit to the actions of a sister state. It was also explained to the Respondent that, should he prevail on such appeal, whatever action the New York board took could be annulled with notice to OPMC.

As to an appropriate penalty, the Hearing Committee reviewed the entire record and examined the documentation submitted by the Respondent, which included Respondent's Exhibit A, which outlined his case against the New Jersey Medical Board. The panel noted that the Respondent did not express remorse for what he had done.

The panel took the testimony of the Respondent into account and considered the full range of penalties available and determined that the people of New York State would be protected by a revocation of the Respondent's license.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. The license of the Respondent to practice medicine in New York State is revoked.
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: Cazenovia, New York**  
**September ~~10~~, 2016**  
*October 10, 2016*



**Peter B. Kane, M.D., Chair**

**Randolph H. Manning, Ph.D.**  
**Ronald Uva, M.D**

To:

Amgad Hessein, M.D.



Ian Silverman, Esq.  
Attorney for Petitioner  
Assistant Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237

## APPENDIX 1

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

IN THE MATTER  
OF  
AMGAD HESSEIN, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Amgad Hessein, M.D.  
[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on July 13, 2016, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.<sup>1</sup>

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".



Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above. Should the parties have objection to proposed witnesses or documentary evidence, the party raising the objection shall contact the Bureau of Adjudication to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not later than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. 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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

**YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name



appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. 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 OUT 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  
May 25, 2016



**MICHAEL A. HISER**  
Deputy Counsel  
Bureau of Professional Medical Conduct

**Inquiries should be addressed to:**

**Ian Silverman**  
Assistant Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

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 §§ (8530) (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 24, 2016  
Albany, New York

  
Michael A. Hiser  
Deputy Counsel  
Bureau of Professional Medical Conduct