



## Department of Health

ANDREW M. CUOMO  
Governor

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

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

September 5, 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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Bureau of Professional Medical Conduct  
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Adam J. Nadelson, M.D.  
53 West 36 Street, Suite 204  
New York, New York 10018

**RE: In the Matter of Adam J. Nadelson, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 18-192) 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:

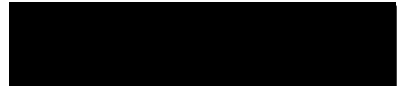
James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 Judge 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,

A solid black rectangular box used to redact the signature of James F. Horan.

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:  
Enclosure

-----X		
IN THE MATTER	:	DETERMINATION
	:	
OF	:	AND
	:	
ADAM J. NADELSON, M.D.	:	ORDER
-----X		
		BPMC-18-192

After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9)(d), and that the penalty of probation is appropriate.

### **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 professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving his...license to practice medicine revoked, suspended or having other disciplinary action taken...where the conduct resulting in the revocation, suspension or other disciplinary action involving the license...would, if committed in New York state, constitute professional misconduct under the laws of New York state." 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. Adam J. Nadelson, M.D., the Respondent, was licensed to practice medicine in New York on April 16, 2012, by the issuance of license number 264938 by the Education Department. (Ex. 3.)

2. In a Consent Order effective June 22, 2017, the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation (Illinois Department) and the Respondent stipulated that on December 20, 2015, the Respondent was disciplined by Rush University Medical Center in Chicago, Illinois (Rush), when Rush learned that the Respondent completed and signed his Postgraduate Training Verification for a plastic surgery fellowship at Rush using the program director's signature stamp without the program director's direct knowledge or permission. The Illinois Department and the Respondent further stipulated that the allegations, if

proven true, would constitute grounds for the Illinois Department to revoke, suspend, or otherwise discipline the Respondent's license to practice medicine in Illinois. Based on this conduct, the Illinois Department reprimanded the Respondent's Illinois medical license, required the Respondent to take and pass a specified ethics and boundaries examination, and imposed a \$10,000 fine. (Ex. 4.)

3. In a Consent Order effective March 12, 2018, the Louisiana State Board of Medical Examiners (Louisiana Board) recites that it conducted an investigation of the appropriateness of supervision of nursing staff and the potential permitting of the unauthorized practice of medicine by the Respondent, that the Louisiana Board's Investigative Officer believes that the records of patients who had received medical services in the form of administration of intravenous medications in non-clinical settings demonstrated that the services rendered, as documented, may not have been in keeping with the standards of care, and that the Respondent acknowledges that in retrospect the printed documentation of patient encounters should have been more clear. The Consent Order further recites that, predicated on the foregoing information, the Investigative Officer believes that there was probable cause to initiate formal administrative proceedings against the Respondent's license. The Respondent acknowledged the foregoing information without agreeing to the facts as alleged against him and without admitting the violation of any federal or state law or regulation, and that the reported information could provide the Investigative Officer with probable cause to pursue formal administrative proceedings against him for a violation of Louisiana Revised Statutes. Based on his conduct, the Louisiana Board officially reprimanded the Respondent. (Ex. 7.)

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

##### **FIRST AND SECOND SPECIFICATIONS**

The Hearing Committee decided, by a vote of 3-0, that the evidence supports sustaining the two charges of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(d).

### HEARING COMMITTEE DETERMINATIONS

The Department charged the Respondent with two specifications of professional misconduct pursuant to Educ. Law § 6530(9)(d) for having disciplinary action taken in another state.

The first specification relates to the Respondent's conduct in Illinois resulting in a 2017 Consent Order, which conduct the Department alleges would, if committed in New York state, constitute professional misconduct under the laws of New York state pursuant to Educ. Law § 6530(2) [practicing the profession fraudulently or beyond its authorized scope] and/or Educ. Law § 6530(21) [willfully making or filing a false report]. The Hearing Committee concludes that the Respondent's use of the program director's signature stamp on the Respondent's Postgraduate Training Verification for a plastic surgery fellowship at Rush without the program director's direct knowledge or permission would constitute professional misconduct under the laws of New York state as defined in Educ. Law § 6530(21).

The second specification relates to the Respondent's conduct in Louisiana resulting in a 2018 Consent Order, which conduct the Department alleges would, if committed in New York state, constitute professional misconduct under the laws of New York state pursuant to Educ. Law § 6530(3) [practicing the profession with negligence on more than one occasion]; Educ. Law § 6530(11) [permitting, aiding or abetting an unlicensed person to perform activities requiring a license]; Educ. Law § 6530(25) [delegating professional responsibilities to a person when the licensee delegating those responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them]; and/or Educ. Law § 6530(33) [the failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee]. The Hearing Committee concludes that the Louisiana Board's Investigating Officer's belief that records of several of the Respondent's patients who received intravenous medications in non-clinical settings demonstrated that the services rendered, as documented, may not have been in keeping with the standards of care, coupled with the Respondent's acknowledgment that the printed documentation of patient encounters should have been more clear and has been changed such that

the Respondent believes the documentation is now within the prevailing standard, demonstrates that the Respondent's recordkeeping practice would constitute professional misconduct under the laws of New York state as defined in Educ. Law § 6530(3).

In considering the full spectrum of penalties available under PHL § 230-a, the Hearing Committee found meaningful, with respect to the Illinois matter, that the Respondent admitted to using the signature stamp without the program director's direct knowledge, showed regret, and classified his act as a mistake and an error in judgment. The Respondent also completed an ethics course after his use of the director's signature stamp and testified as to seeing a psychiatrist who specializes in working with physicians. The Hearing Committee determined that the Respondent should be subject to probation for a period of two years.


The Hearing Committee further determined that no additional penalty was appropriate relative to the Louisiana matter after thoroughly considering the language contained in the Louisiana Consent Order, the testimony of the Respondent as to recordkeeping and documentation issues with his telemedicine practice, the absence of any evidence of patient harm, and the penalty already imposed by Louisiana.

### **ORDER**

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

1. The first and second specifications of professional misconduct, as set forth in the Amended Statement of Charges, are sustained;
2. The Respondent is subject to probation for a period of two years in accordance with the Terms of Probation annexed hereto; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

Dated: Speculor, New York  
August 31, 2018

  
Ronald Uva, M.D., Chairperson  
Elaine L. Wilk, D.O.  
Deborah Whitfield, M.A., Ph.D.

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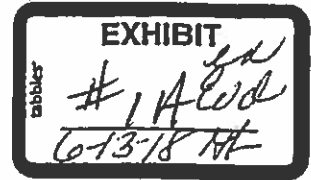


### TERMS OF PROBATION

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York Public Health Law § 230(10) or (19), or both.
2. Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York, 12204, at least every six months and as otherwise requested, and within thirty days of any change in the information, the following in writing:
  - a. a full description of Respondent's employment and practice;
  - b. all professional and residential addresses and telephone numbers within and outside New York State;
  - c. all information concerning investigations, arrests, charges, convictions, or disciplinary actions by any local, state, or federal agency; and
  - d. all information concerning investigations, terminations, or disciplinary matters by any institution or facility.
4. Respondent shall provide to the Director of OPMC copies of all applications relating to the practice of medicine, including but not limited to, privileges, insurance, and licensure, in any jurisdiction, concurrent with submission of the applications.
5. Respondent shall cooperate fully with and respond within two weeks to any OPMC requests to provide written periodic verification of Respondent's compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume, and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in the Determination and Order or as are necessary to protect the public health.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to:
  - a. a review of office records, patient records, hospital charts, and/or electronic records; and
  - b. interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall comply with these probationary terms and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the State Board for Professional Medical Conduct may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

## APPENDIX II



IN THE MATTER

OF

ADAM J. NADELSON, M.D.

AMENDED  
STATEMENT  
OF  
CHARGES

ADAM J. NADELSON, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 15, 2012, by the issuance of license number 264938 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about May 16, 2017, Respondent entered into a Consent Agreement with the Illinois Department of Financial and Professional Regulation (Illinois Department of Professional Regulation) in which he agreed to the following discipline, among other disciplinary terms, against his Illinois medical license: 1.) a reprimand of Respondent's Illinois medical license; 2.) Respondent's successful completion of the Ethics and Boundaries Assessment Services, LLC's Ethics and Boundaries Examination within six months of the approval of the Illinois order; and 3.) the payment of a \$10,000 fine.
- B. The conduct for which Respondent was disciplined by the Illinois Department of Professional Regulation was Respondent's unauthorized use of the signature stamp of the director of a plastic surgery fellowship program at Rush University Medical Center in Chicago, Illinois, on a form intended to verify Respondent's training within the fellowship program. The training verification form with the

unauthorized signature was submitted to facilitate Respondent's training opportunities at other institutions. The Consent Agreement provides that Respondent's conduct, if proven at hearing, would constitute a violation of 225 Illinois Compiled Statutes § 60/22 (A) (5) and (31) which provide that an Illinois medical license may be disciplined for engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public [(A) (5)]; and for using any false, fraudulent or deceptive statement in any document connected with the practice of medicine [(A) (31)].

- C. The consent Order, with the discipline stated above, was accepted by the Illinois Medical Disciplinary Board on or about June 7, 2017 and was approved in full by the Illinois Department of Professional Regulation on or about June 22, 2017.
- D. The conduct resulting in the Illinois Consent Order would constitute misconduct under the laws of New York state, pursuant to the following sections of New York law:
  - 1) New York Education Law § 6530(2) [practicing the profession fraudulently or beyond its authorized scope], and/or
  - 2) New York Education Law §6530 (21) [willfully making or filing a false report].
- E. On or about March 12, 2018, Respondent entered into a Consent Order for Reprimand with the Louisiana State Board of Medical Examiners (Louisiana Consent Order) in which he agreed to the following discipline against his Louisiana Medical License: 1.) a reprimand of Respondent's Louisiana medical license; 2.) the completion of a course in medical ethics and professionalism approved by the Louisiana Board; and 3.) the payment of a \$2,000.00 fine.
- F. The conduct for which Respondent was disciplined by the Louisiana Board was the lack of appropriate supervision of nursing staff in the administration of intravenous medications in a nonclinical setting. The Louisiana Consent Order sets forth

Respondent's acknowledgment that the described conduct provides probable cause for an administration proceeding for violating Louisiana Revised Statutes §§ 37:1285 (A) (14) [a continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state]; (18) [knowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner]; and (30) [the violation of any rules and regulation of the board, or any provision of this Part].

- G. The Louisiana Consent Order became effective against Respondent's Louisiana medical license on or about March 12, 2018.
- H. The conduct resulting in the Louisiana Consent Order would constitute misconduct under the laws of New York state, pursuant to the following sections of New York law:
- 1) New York Education Law § 6530 (3) [practicing the profession with negligence on more than one occasion];
  - 2) New York Education Law § 6530 (11) [permitting, aiding or abetting an unlicensed person to perform activities requiring a license];
  - 3) New York Education Law § 6530 (25) [delegating professional responsibilities to a person when the licensee delegating those responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them]; and/or,
  - 4) New York Educational Law § 6530 (33) [the failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee].

**SPECIFICATIONS OF CHARGES**

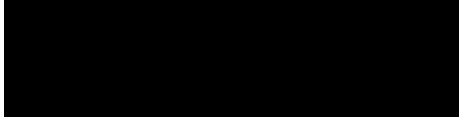
**First and Second Specifications**

**Disciplinary Action in another State**

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530 (9) (d) by reason of his license to practice having been revoked, suspended or having other disciplinary action taken after 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 would, if committed in New York State, constitute a professional misconduct under the laws of New York State, as alleged in the facts following:

1. The facts in paragraphs A, B, C and D; and/or
2. The facts in paragraphs E, F, G and H.

DATE: April 23, 2018  
Albany, New York

  
MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct