



## Department of Health

ANDREW M. CUOMO  
Governor

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

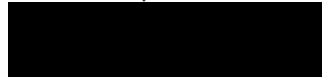
SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

September 6, 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

David W. Quist  
Associate Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Eldar Kadymoff, D.O.



**RE: In the Matter of Eldar Kadymoff, D.O.**

Dear Parties:

Enclosed please find the Determination and Order (No. 18-193) 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.

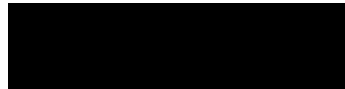
The notice of review served on the Administrative Review Board should be forwarded to:

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:cmg  
Enclosure

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

-----X  
IN THE MATTER  
OF  
ELDAR KADYMOFF, D.O.  
-----X

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DETERMINATION  
:  
AND  
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ORDER  
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BPMC-18-193

A hearing was held on June 13, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), Ronald Uva, M.D., Chairperson, Elaine L. Wilk, D.O., and Deborah Whitfield, M.A., Ph.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by David W. Quist, Associate Attorney. A Notice of Hearing and Statement of Charges dated April 23, 2018, were duly served upon Eldar Kadymoff, D.O. (Respondent), who appeared at the hearing pro se.

The Hearing Committee received and examined documents from the Department (Exhibits 1-9). The Respondent did not offer any documents into evidence but provided testimony. A stenographic reporter prepared a transcript of the proceeding.

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)(a)(ii) and 6530(2), and that the penalty of revocation of his medical license is appropriate.

### **BACKGROUND**

The Department brought this case pursuant to PHL § 230. PHL § 230(10)(p) 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)(a)(ii) for "[b]eing convicted of committing an act constituting a crime under federal law." The Respondent is further charged with professional misconduct pursuant to Educ. Law § 6530(2) for "[p]racticing the profession fraudulently". 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. Eldar Kadymoff, D.O., the Respondent, was licensed to practice medicine in New York on April 23, 2003, by the issuance of license number 228086 by the Education Department. (Ex. 3.)
2. On June 29, 2017, the Respondent was convicted in the United States District Court for the Eastern District of New York after he pleaded guilty to one count of conspiracy to make false statements relating to health care matters in violation of 18 U.S.C. § 371. The Respondent was sentenced to, among other things, two years of probation, six months of home confinement, 500 hours of community service, and \$443,204.14 restitution. (Ex. 4.)
3. The charges upon which the conviction was based were initially filed in an Indictment on February 14, 2011. (Exs. 8-9.) A Superseding Information was filed on October 19, 2015. (Ex. 5.)

4. On January 18, 2013, the Respondent filed an application with the New York State Education Department to renew his medical license. On the renewal application, the Respondent falsely answered "No" in response to the question "Since your last registration application, are criminal charges pending against you in any court?" (Ex. 6.)

5. On November 18, 2016, the Respondent filed an application with the New York State Education Department to renew his medical license. On the renewal application, the Respondent again falsely answered "No" in response to the question "Since your last registration application, are criminal charges pending against you in any court?" (Ex. 7.)

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

##### **FIRST SPECIFICATION**

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

##### **SECOND AND THIRD 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(2).

#### **HEARING COMMITTEE DETERMINATIONS**

The Department charged the Respondent with three specifications of professional misconduct pursuant to Educ. Law § 6530.

The first specification relates to the Respondent's 2017 federal conviction resulting from a guilty plea in the United States District Court for the Eastern District of New York to conspiracy to make false statements relating to health care matters. The Hearing Committee reviewed the evidence and concludes that the Respondent has engaged in professional misconduct under the laws

of New York state as defined in Educ. Law § 6530(9)(a)(ii) for being convicted of committing an act constituting a crime under federal law.

The second and third specifications relate to the Respondent's responses on a 2013 and a 2016 application he filed with the New York State Education Department to renew his medical license. The Hearing Committee considered the evidence and concluded that the Respondent's false answer on both applications to the question as to whether he had criminal charges pending against him in any court constitutes professional misconduct under the laws of New York state as defined in Educ. Law § 6530(2) for practicing the profession fraudulently.

In considering the full spectrum of penalties available under PHL § 230-a, the Hearing Committee reviewed the evidence and considered the testimony of the Respondent. As to all three specifications, the Hearing Committee found significant that the Respondent failed to recognize the severity of his conduct upon which the federal conviction was based, failed to take full responsibility for his actions, and testified as to implausible and unbelievable reasons why he thought he was answering the questions truthfully on the renewal application. The Hearing Committee agrees with the Department's recommendation that the Respondent's medical license be revoked.

### **ORDER**

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

1. All specifications of professional misconduct, as set forth in the Statement of Charges, are sustained;
2. The Respondent's license to practice medicine in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

Dated: Special Agent, New York  
August 31, 2018

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

David W. Quist  
Associate Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Eldar Kadymoff, D.O.  
[REDACTED]

## APPENDIX I



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

IN THE MATTER  
  
OF  
  
ELDAR KADYMOFF, D.O.

STATEMENT  
OF  
CHARGES

ELDAR KADYMOFF, D.O., the Respondent, was authorized to practice medicine in New York State on or about April 23, 2003, by the issuance of license number 228086 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about June 29, 2017, Respondent was convicted and sentenced in the United States District Court for the Eastern District of New York, resulting from a guilty plea, to one count of conspiracy to make false statements relating to health care matters, a felony, in violation of 18 USC section 371.
- B. Respondent was sentenced to two years' probation, subject to terms, six months' home confinement, 500 hours of community service, payment of a \$100 assessment, and restitution/forfeiture in the amount of approximately \$443,204, the latter pursuant to an Order of Forfeiture dated on or about June 29, 2017.
- C. The charges against Respondent were initially filed pursuant to an Indictment, which was filed with and unsealed by the United States District Court for the Eastern

District of New York on or about February 14, 2011, and a Superseding Information filed with said court on or about October 19, 2015.

D. On or about January 18, 2013, Respondent filed a Registration Renewal Application with the New York State Department of Education. Respondent answered "no" to the question "Since your last registration application, are criminal charges pending against you in any court?" even though an unsealed indictment had been filed on or about February 14, 2011 and criminal charges were, in fact, pending. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

E. On or about November 18, 2016, Respondent filed a Registration Renewal Application with the New York State Department of Education. Respondent answered "no" to the question "Since your last registration application, are criminal charges pending against you in any court?" even though a Superseding Information had been filed on or about October 19, 2015 and criminal charges were, in fact, pending. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**CRIMINAL CONVICTION (Federal)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraphs A, B and C.

**SECOND and THIRD SPECIFICATION**  
**FRAUDULENT PRACTICE**

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

2. The facts in Paragraphs A through D.
3. The facts in Paragraphs A through C, and E.

DATE: April 23, 2018  
Albany, New York

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