



**Department
of Health**

ANDREW M. CUOMO
Governor

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

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

May 2, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Amnon Sadeh, M.D.


Anna Lewis, Esq.
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

RE: In the Matter of Amnon Sadeh, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.19-103) 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.

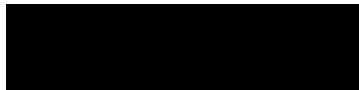
The notice of review served on the Administrative Review Board should be forwarded to:

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

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IN THE MATTER : :
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OF : :
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AMNON SADEH, M.D. : :
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DETERMINATION
AND
ORDER
19-103

A Notice of Hearing and Statement of Charges, both dated December 21, 2018, were served on AMNON SADEH, M.D. ("Respondent") pursuant to Public Health Law (PHL) §230(10)(d)(i). ELISA BURNS, M.D., Chairperson, JERRY BALENTINE, D.O., and RICHARD GOLDBERG, ESQ., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ), served as the Administrative Officer.

The Department of Health, Office of Professional Medical Conduct ("Petitioner", or "The Department" appeared by RICHARD J. ZAHNLEUTER, General Counsel, by ANNA LEWIS, ESQ., of Counsel. The Respondent failed to appear, and the matter proceeded in his absence. Evidence was received, witnesses were sworn, and a transcript of the proceeding was made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order sustaining the allegations as set forth in paragraphs A and A.1 in the Amended Statement of Charges.

PROCEDURAL HISTORY

The Department attempted to serve the Respondent at his last known address on January 14, 2019 and January 18, 2019. On February 1, 2019, a signed, certified mail return receipt was received

by the Department. The Department attempted service on the Respondent at two additional addresses on December 31, 2018, January 5, 2019, January 12, 2019, January 14, 2019, January 15, 2019, January 18, 2019, and February 7, 2019. On February 12, 2019, the Statement of Charges was amended, removing one of the charges. On or about February 8, 2019, Supervising Medical Conduct Investigator Paul Scher (Investigator Scher) spoke with the Respondent's mother, advised her of the hearing date, time, and place; and requested the Respondent contact the Department regarding the hearing. Despite these efforts, the Respondent failed to respond to the Statement of Charges, and therefore the allegations were deemed admitted pursuant to PHL §230(10)(c)(ii).

FINDINGS OF FACT

The following findings of Fact were made after a review of the entire record in this matter. All findings and conclusions set forth below reflect the unanimous determinations of the Hearing Committee unless otherwise indicated. The citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding.

1. The Respondent was authorized to practice medicine in New York State on May 31, 1989, by the issuance of license number 178281. (Exhibit 3).
2. On March 6, 2016, the Department sent a letter to the Respondent requesting certain medical records. On March 11, 2016, the Investigator spoke to the respondent who indicated that he received the request, and he would have the records available in about a month. (Exhibit 5).
3. On June 7, 2016, the Respondent requested that rather than mailing the records, he would like to fax them to the Department. The Respondent submitted some of the requested records on or before June 23, 2016. Despite making numerous attempts, the Department has had no direct contact with the Respondent since July 26, 2016. (Exhibit 5).

4. On January 9, 2017, the Department sent a demand letter by certified mail to the Respondent asking for the complete medical records of five patients, including pre-operative and post-operative photographs. The letter was signed for and the return receipt was received by the Department on January 12, 2017. (Exhibit 6).

5. Subsequent demand letters for additional medical records and interview requests were sent between August and November of 2017 to three different addresses attributed to the Respondent. (Exhibits 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16; Transcript at pp 16-27).

6. On or about August 2018, the Department attempted to contact the Respondent at an additional location in Connecticut. Investigator Scher spoke with a woman who identified herself as the Respondent's mother. She informed the Investigator that the Respondent was in Israel and she had contact with him through email. She would not disclose the Respondent's email address; but she agreed to give the Respondent the Investigator's contact information and ask him to call the Investigator. (Transcript at pp 28 and 30).

7. The Respondent neither contacted the Investigator, nor complied with the demand for records. (Transcript at pp 28-31).

CONCLUSIONS OF LAW

As required by PHL §230(10)(f), the Hearing Committee based its conclusions on whether the Department has met its burden of establishing by a preponderance of the evidence that the allegations contained in the Statement of Charges were more probable than not. When the evidence was equally balanced or left the Hearing Committee in such doubt as to be unable to decide a controversy either way, then the judgment went against the Department. (Jerome Prince, Richardson on Evidence §3-206 [Farrell 11th ed 1995]). Having considered the complete record in this matter, the Hearing Committee

concludes that the Department has established the specification contained in the Amended Statement of Charges. Specifically, the Respondent failed to respond within 30 days to written communications from the Department, and to make available any relevant written records with respect to an inquiry or complaint about the Respondent's professional conduct, in violation of Education Law §6530(28).

Investigator Scher testified on behalf of the Department. Mr. Scher testified as to the numerous attempts the Department made to contact the Respondent; and assist him with complying with their requests for medical records. While the evidence reflects that, initially, the Respondent indicated a willingness to comply, he failed to do so. The Hearing Committee noted that as a licensed physician, the Respondent has an obligation to respond to the Department's demand for records; yet he failed to fulfill his obligation. The Respondent's conduct in failing to respond to written requests from the Department within 30 days, and make records available with respect to an inquiry or complaint regarding the Respondent's professional conduct, constitutes professional misconduct as defined in Education Law (Educ. Law) §6530(28).

DETERMINATION AS TO PENALTY

The Hearing Committee considered the full spectrum of penalties available pursuant to statute, including revocation, suspension, probation, censure, and the imposition of civil penalties. Physicians must comply with the highest ethical standards, and integrity is as important to the practice of medicine as medical competence. Although the Respondent was duly served with notice of the hearing pursuant to PHIL §230(10)(d), he failed to respond to the charges, or appear in his own behalf at the hearing. The Hearing Committee considered the serious nature of the Respondent's conduct in refusing to comply with the Department's requests after being given several opportunities, and

disregarding his obligations as a licensee, and agreed with the Department's recommendation that his medical license in New York State be revoked pursuant to PHL §230-a.

ORDER

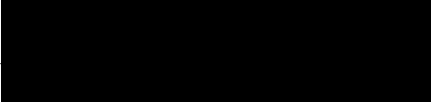
IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Amended Statement of Charges is **SUSTAINED**;

2. The Respondent's license to practice medicine is **REVOKED**; and

3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h). Service shall be either by certified mail upon the Respondent at his last known address, and such service shall be effective upon receipt or seven days after mailing, whichever is earlier; or by personal service, and such service shall be effective upon receipt.

DATED: Albany, New York
May 1, 2019


Elisa E. Burns, M.D.
Chairperson

Jerry R. Balentine, D.O.
Richard S. Goldberg, Esq.

To: Amnon Sadeh, M.D.


Anna Lewis, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

APPENDIX I

IN THE MATTER
OF
AMNON SADEH, M.D.

AMENDED
STATEMENT
OF CHARGES

AMNON ERIC SADEH, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 31, 1989, by the issuance of license number 178281 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 9, 2017, the Office of Professional Medical Conduct ("OPMC") pursuant to Section 230(10)(l) of the New York State Public Health Law sent a certified letter to Respondent demanding copies of the complete medical records of Patient A through Patient F.

1. Respondent failed to provide complete medical records for Patient A through Patient F within thirty days of OPMC's request.

SPECIFICATION OF CHARGES


FAILURE TO RESPOND

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(28) by failing to respond within thirty days to written communications from the department of health and to make available any relevant records with respect to

an inquiry or complaint about the licensee's professional misconduct, as alleged in the facts of:

1. Paragraphs A. and A.1.

DATE: February 12, 2019



Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct