



Department of Health

ANDREW M. CUOMO
Governor

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

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

August 12, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Pooja A. Rawal, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Empire State Plaza
Corning Tower Building, Room 2512
Albany, New York 12237

Ehab Abdalah, MD


RE: In the Matter of Ehab Abdalah, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 19-205) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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to deliver to the Board of Professional Medical Conduct your license to practice medicine **if said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate.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
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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A black rectangular redaction box covering the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmg
Enclosure

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

In the Matter of

Ehab Abdalah, M.D. (Respondent)

Administrative Review Board (ARB)

A proceeding to review a Determination by a Committee
(Committee) from the Board for Professional Medical
Conduct (BPMC)

Determination and Order No. 19-205

Before ARB Members D'Anna, Grabiec, Wilson and Rabin
Administrative Law Judge James F. Horan drafted the Determination

For the Department of Health (Petitioner): Pooja Rawal, Esq.

For the Respondent: *Pro Se*

In this proceeding pursuant to New York Public Health Law (PHL) § 230-c
(4)(a)(McKinney Supp. 2019), the ARB dismisses the Respondent's Notice of Review due to the
Respondent's failure to perfect the Notice by filing a timely review brief.

After a hearing below pursuant to PHL § 230, a BPMC Committee determined that the
Respondent engaged in professional misconduct under the definition at New York Education
Law (EL) § 6530(9)(d)(McKinney Supp. 2019), following disciplinary action against the
Respondent's medical license in Arizona that concerned the Respondent's treatment of four
patients. The Arizona Medical Board found a pattern of rapid escalation of opioid prescriptions,
failure to maintain appropriate records for dates on which controlled substances were prescribed
and failure to monitor adequately and oversee patient treatment. The Committee found that the
Respondent's conduct would constitute misconduct in New York and voted 3-0 to revoke the
Respondent's License to practice medicine in New York (License). The Committee wrote that
the Arizona Board established serious misconduct in a pattern of escalating opioid prescriptions
that resulted in one patient's death. The Committee concluded that the Respondent's misconduct

warranted revocation due to the seriousness of the misconduct and the Respondent's failure to communicate with New York licensing authorities about the charges and failure to respond to the charges. The Committee noted that, although the Respondent received notice of the hearing, he failed to appear or offer any evidence or argument to persuade the Committee to a different conclusion.

The Committee rendered their Determination on March 28, 2019. The cover letter with the Determination advised the Respondent and the attorney for the Department of Health that either party could request review from the ARB by filing a review notice by certified mail within 14 days from receiving the Committee Determination. The cover letter went on to state that the parties then had thirty days to file a brief.

The Respondent began the current proceeding to challenge the Committee's Determination by filing a Notice of Review, which the ARB received on April 24, 2019. The Respondent's Notice stated that he had spoken to the Department's attorney and that she advised the Respondent to follow the directions in the cover letter that accompanied the Committee's Determination. The Notice stated further that the Respondent had also contacted a New York law firm to assist the Respondent with the Review brief.

Under PIIL § 230-c(4)(a), a party has thirty days from filing the Notice to perfect the Notice by filing a timely review brief, which means the Respondent needed to file a brief by late May 2019. The Respondent filed no brief by late May or late June or late July 2019. No law firm has filed a brief or notice of appearance, no one has requested an extension in the time to file a brief and the ARB has granted no extension. The Respondent's failure to perfect the Notice repeated the Respondent's pattern of conduct before BPMC, in which the Respondent failed to respond to the charges or submit anything for consideration by the Committee.

ORDER

NOW, with this Determination as our basis, the ARB renders the following ORDER:


1. The ARB rules that the Respondent has failed to perfect the Notice in this matter.
2. The ARB dismisses the Respondent's Notice.

Steven Grabiec, M.D.
Linda Prescott Wilson
John A. D'Anna, M.D.
Jill Rabin, M.D.

In the Matter of Eliah Abdalah, M.D.

ARB Member Linda Prescott Wilson concurs in the Determination and Order in the
Matter of Dr. Abdalah.

Dated: *August*, 2019


Linda Prescott Wilson

In the Matter of Ehab Abdalah, M.D.

ARB Member Steven Grabiec, M.D. concurs in the Determination and Order in the
Matter of Dr. Abdalah.

Dated: 8/6/19, 2019


Steven Grabiec, M.D.

In the Matter of Ehab Abdalah. M.D.

ARB Member Jill Rabin, M.D. concurs in the Determination and Order in the Matter of

Dr. Abdalah.

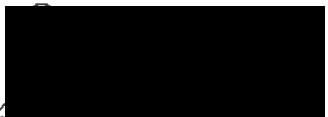
Dated: August 6th, 2019


Jill Rabin, M.D.

In the Matter of Ehab Abdalah, M.D.

ARB Member John A. D'Anna, M.D. concurs in the Determination and Order in the Matter of Dr. Abdalah.

Dated: AUGUST 6, 2019



John A. D'Anna, M.D.