



Department of Health

ANDREW M. CUOMO
Governor

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

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

July 18, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hannah E.C. Moore, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Yaseen Odeh, M.D.


RE: In the Matter of Yaseen Odeh, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 19-181) 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: nm
Enclosure

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

-----X
: IN THE MATTER : DETERMINATION
: OF : AND
: YASEEN ODEH, M.D. : ORDER
: :
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BPMC-19-181

A hearing was held on June 12, 2019, 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), Lyon M. Greenberg, M.D., Chairperson, Ravinder Mamtani, M.D., and David F. Irvine, DHSc, P.A., 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 Hannah E.C. Moore, Assistant Counsel. A Notice of Referral Proceeding, and Statement of Charges, all dated April 29, 2019, were duly served upon Yaseen Odeh, M.D., (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-6). A stenographic reporter prepared a transcript of the proceeding.

After consideration of the entire record, the Hearing Committee sustains the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9), and votes that the penalty of revocation of his medical license 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 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." 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. Yaseen Odeh, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1991 by the issuance of license number 186051 by the New York State Education Department. (Ex. 4.)
2. On or about January 26, 2018, the Respondent entered into a Consent Order with the Illinois Department of Financial and Professional Regulation. The Order emanated from allegations that the Respondent "inappropriately prescribed and/or authorized Controlled Substances for patients of his private practice that led to surrender of his DEA Registration for cause in September 2017 as well as failed to timely turn over medical records pursuant to the Medical Disciplinary Board

Subpoena and failed to disclose disciplinary action by another state on his 2017 Illinois Physician and Surgeon License renewal application.” (Dept. Ex. 3.)

3. Pursuant to the 2018 Consent Order, the Respondent's Illinois Physician and Surgeon License was suspended for 18 months from October 6, 2017, followed by indefinite probation for a minimum of three years. The Respondent's Illinois Controlled Substance License was indefinitely suspended. (Dept. Ex. 3.)

4. Prior to the events giving rise to this legal proceeding, the Respondent was subject to Censure and Reprimand by the New York State Board for Professional Medical Conduct pursuant to a 2015 Consent Agreement resulting from charges that the Illinois Department of Financial and Professional Regulation reprimanded the Respondent based upon his inappropriate disposal of protected medical records. The Respondent was ordered to pay a fine, costs, perform community service, and complete Continuing Medical Education in Risk Management. (Dept. Ex. 6.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee decides, by a vote of 3-0, that the evidence supports sustaining the 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 professional misconduct pursuant to Educ. Law § 6530(9)(d). The charge contains one specification pertaining to the Respondent's having had disciplinary action taken by a duly authorized professional disciplinary agency of another state. The Department alleges, and the Hearing Committee concludes, that the conduct resulting in the disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in Educ. Law § 6530(3) – Practicing the profession of medicine with negligence on more than one occasion; Educ. Law § 6530(32) – failing to maintain a record for

each patient which accurately reflects the evaluation and treatment of the patient; Educ. Law § 6530(2) – practicing the professional of medicine fraudulently; and Educ. Law § 6530(21) – willfully making or filing a false report or failing to file a report required by law or by the department of health or the education department.


The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. The Hearing Committee unanimously agrees with this recommendation.

ORDER

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

1. The specification of professional misconduct as set forth in the Statement of Charges is 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: July 19, 2019
Albany, New York


Lyon M. Greenberg, M.D., Chairperson
Ravinder Mamtani, M.D.
David F. Irvine, DHSc, P.A.

Hannah E.C. Moore
Assistant Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower, ESP
Albany, New York 12237

Yaseen Odeh, M.D.


APPENDIX I

IN THE MATTER
OF
YASEEN ODEH, M.D.

STATEMENT
OF
CHARGES

YASEEN ODEH, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1991, by the issuance of license number 186051 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 26, 2018, the Respondent entered into a Consent Order ("Order") with the Illinois Department of Financial and Professional Regulation ("IL Board"). The Order was based on the Respondent's prescribing practices, medical record keeping, and his failure to disclose a disciplinary action on his IL Board license renewal application. The Respondent was suspended for eighteen months from October 6, 2017 and thereafter restored from suspension status and placed on indefinite probation for a minimum of three years.

B. The conduct resulting in the IL Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York State Law:

1. New York Education Law §6530(3) (Practicing the profession of medicine with negligence on more than one occasion); and/or

2. N.Y. Educ. Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or
3. N.Y. Educ. Law § 6530(2) (Practicing the profession of medicine fraudulently); and/or
4. N.Y. Educ. Law § 6530(21) (Willfully making or filing a false report or failing to file a report required by law or by the department of health or the education department).

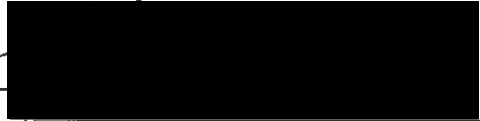
SPECIFICATION OF CHARGES

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 as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and/or B1 and/or B2 and/or B3 and/or B4.

DATE: April 29, 2019
Albany, New York



TIMOTHY MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct