These charges are only allegations which may be contested by the licensee in an Administrative hearing.

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

IN THE MATTER OF ALEXANDER BABAYANTS, M.D.	NOTICE OF REFERRAL PROCEEDING

TO: ALEXANDER BABAYANTS, M.D.
[redacted]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on July 17, 2019, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719,[1] and at such other adjourned dates, times and places as the committee may direct.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State

[1] For GPS purposes, enter "Menands", not "Albany".

Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

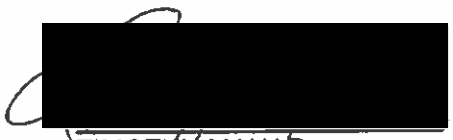
Department attorney: Initial here [redacted]

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
May 22, 2019



TIMOTHY MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

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

IN THE MATTER OF ALEXANDER BABAYANTS, M.D.	STATEMENT OF CHARGES

ALEXANDER BABAYANTS, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 6, 2000, by the issuance of license number 218269 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 20, 2019, the Respondent entered into a Final Consent Order ("Order") with the New Jersey Board of Medical Examiners ("NJBME"). The Respondent's license was suspended for three years made retroactively and effective as of June 5, 2017, the date he surrendered his controlled substance license and ceased practicing medicine. The Order also stated that after successful re-education, re-evaluation, and relicensing by the NJBME, he will practice in a NJBME-approved supervised setting. Prior to reinstatement the Respondent must prove he successfully completed a recordkeeping course, a re-certification course on prescribing Suboxone (if practicing addiction medicine), and a re-education program in general psychiatry (with a focus on addiction medicine if he chooses to practice that specialty). Following re-education, the Respondent must participate in another assessment regarding his knowledge base in and ability to safely practice general psychiatry and follow all

recommendations. The Respondent may petition for re-instatement of his NJBME license six months prior to the expiration of suspension, and he must demonstrate fitness and compliance before the NJBME. The Respondent was also ordered to pay $90,000.00 in monetary penalties and ordered to cease and deist all patent contact in New Jersey and the rendering of medical care including the issuance or dispensation of any medications. The Respondent was also ordered to have no financial interest or benefit from, or involvement in, the practice of medicine or provision of healthcare activities.

B. The Order was based off the Respondent's care and treatment of six patients from November 2011 to July 2017, each of whom the Respondent treated for mental health disorders for periods spanning multiple years. In each case it was alleged the Respondent indiscriminately prescribed large quantities of opiates and other controlled substances without properly dispending and/or treating the underlying medical conditions and without properly documenting diagnoses/treatment.

C. The conduct resulting in the NJBME's disciplinary action against the Respondent would consfitute misconduct under the law of New York State pursuant to the following section of New York State Law:

1. NY Educ. Law § 6530 (4) (Practicing the profession of medicine with gross negligence on a particular occasion) and/or

2. NY Educ. Law § 6530 (3) (Practicing the profession of medicine with negligence on more than one occasion.

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:

3. The facts in Paragraphs A, B, C and/or C1 and/or C2.

DATE: May 22, 2019
Albany, New York

TIMOTHY MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct