

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

IN THE MATTER
OF
ABBAS KASHANI, M.D.

STATEMENT
OF
CHARGES

Abbas Kashani, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 3, 1996, by the issuance of license number 203671 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. By order dated July 29, 2020, the Medical Board of California adopted a disciplinary order stipulated to by Respondent (California order). The California order imposed the following penalties, among others: 1.) a stayed revocation of Respondent's California medical license; 2.) completion of CME; 3.) a three year probation with terms requiring a practice monitor; and 4.) a practice limitation precluding Respondent from supervising physician assistants and advanced practice nurses.

The settlement resolved allegations that Respondent was grossly negligent in failing to obtain a CT of Patient A's sinuses to document pathology and anatomy prior to performing otolaryngologic surgery and without attempting maximal medical therapy prior to surgery.

The settlement further resolved allegations that Respondent both failed to maintain adequate and accurate medical records and committed repeated acts of negligence in the care of Patients A and B. In the care of Patient A, Respondent diagnosed chronic

sinusitis without proper medical indication, and failed to properly treat Patient A with a sufficient course of antibiotics or steroids to determine their efficacy prior to performing surgery. In the care of Patient B, Respondent failed to administer an intraoperative dose of IV dexamethasone, failed to order an anti-emetic or to refer the patient for follow-up care for complaints of post-operative vomiting.

The California order also resolved allegations that Respondent falsely represented on his curriculum vitae, on his practice website, and to investigators for the California Board that he was certified by the American Board of Fascial Plastic and Reconstructive Surgery, and/or the American Board of Otolaryngology, and /or the "American Academy of Otolaryngology Board Certified in Head and Neck Surgery, Fascial Plastic & Reconstructive Surgery for over 20 years".

B. Respondent's conduct as alleged above and upon which disciplinary action was taken by the California Board would, if committed in New York, constitute professional misconduct under the following laws of New York state:

1. New York Education Law § 6530 (2) (practicing the profession of medicine fraudulently);
2. New York Education Law § 6530 (3) (practicing the profession with negligence or more than one occasion);
3. New York Education Law § 6530 (4) (practicing the profession with gross negligence on a particular occasion);
4. New York Education Law §6530 (32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or
5. New York Education Law § 6530 (21) (willfully making or filing a false report).

SPECIFICATION OF CHARGES
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530 (9) (d) having his license to practice medicine revoked, suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York state , constitute professional misconduct under the laws of New York state (specifically New York Education Laws § 6530 [2], [3], [4], and/or [21]) as alleged in the facts of the following:

1. The facts in paragraphs A and B.

DATE: January 28, 2021
Albany, New York



TIMOTHY MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct