

**IN THE MATTER**  
**OF**  
**ANDRE JOCELYN DUHAMEL, M.D.**

**COMMISSIONER'S**  
**ORDER AND**  
**NOTICE OF**  
**HEARING**

TO: ANDRE JOCELYN DUHAMEL, M.D.  


The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, after an investigation, and upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that ANDRE JOCELYN DUHAMEL, M.D. (henceforth: "Respondent"), New York license number 192191, is engaging in or maintaining a condition or activity which constitutes an imminent danger to the health of the people, and that it is therefore prejudicial to the interests of the people to delay action until the opportunity for a hearing can be provided.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12)(a), that effective immediately, Respondent shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12)(a).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on March 13, 2021 at 10:00 a.m. The hearing may be conducted by video-conference or at the offices of the New York State Health Department, and at such other

adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.


The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State 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, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. 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 FORTH 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

March 2, 2021

  
Howard A. Zucker, (M.D., J.D.)  
Commissioner of Health  
New York State Health Department

Inquiries should be directed to:

Daniel Guenzburger  
Associate Counsel  
Bureau of Professional Medical Conduct  
90 Church Street-4<sup>th</sup> Floor  
New York, New York 10007  
212-417-4450  


IN THE MATTER  
OF  
ANDRE JOCELYN DUHAMEL, M.D.

STATEMENT  
OF  
CHARGES

ANDRE JOCELYN DUHAMEL, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 12, 1993 by the issuance of license number 192191 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 23, 2019, Respondent, a psychiatrist, was admitted for a stroke at Long Island Jewish Valley Stream, Northwell Hospital. Respondent was diagnosed with [REDACTED]

[REDACTED]

[REDACTED] On or about September 17, 2019 the Respondent underwent psychiatric evaluation by Richard Kassner, M.D. Dr. Kassner concluded that Respondent suffered from [REDACTED]

[REDACTED]

[REDACTED] On November 23, 2019 Respondent was re-admitted to Long Island Jewish Valley Stream Northwell Hospital for an [REDACTED]

[REDACTED]

1. Respondent has a psychiatric condition which impairs his ability to practice medicine.

B. On or about and between January 20, 2016 and the present, Respondent has been subject to terms and conditions imposed by Board of Professional Medical Conduct Order (BPMC #16-030) ("Board Order"). Respondent violated the conditions and probation terms of the Board Order by:

1. Practicing medicine without a "Practice Monitor" approved by the Office of Professional Medical Conduct ("OPMC") on or about and between August 14, 2017 (during which period Respondent issued 63 prescriptions of controlled substances) and on or about and between November 2018 and January 2019 when Respondent practiced medicine at the Riverdale Nursing Home, Bronx, New York.
2. Failing to provide the OPMC with current information about his employment/medical practice, including failing to notify OPMC, in writing, fourteen days in advance of his resuming the active practice of medicine at the Riverdale Nursing Home, Bronx, New York
3. Failing to maintain a log of all his ordering, prescribing, administering and/or dispensing of controlled substances in a format acceptable to the OPMC.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING A**

**PSYCHIATRIC CONDITION WHICH IMPAIRS**

**THE ABILITY TO PRACTICE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(8) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraphs A and A1.

**SECOND SPECIFICATION**

**VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

2. Paragraphs B, B1, B2, and/or B/3.

DATE: February 25, 2021  
New York, New York

  
Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct