



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

May 6, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Douglas M. Nadjari, Esq.
Ruskin Moscou Faltischek, P.C.
1425 RXR Plaza
East Tower, 15th Floor
Uniondale, New York 11556

Paul Tsui, Esq.
New York State Department of Health
Division of Legal Affairs
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

RE: In the Matter of Asim Hameedi, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-108) 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to deliver to the Board of Professional Medical Conduct your license to practice medicine if **said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate.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,



Dawn MacKillop-Soller
Acting Chief Administrative Law Judge
Bureau of Adjudication

DXM: cmg
Enclosure

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

In the Matter of

Asim Hameedi, M.D. (Respondent)

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

Administrative Review Board (ARB)

Determination and Order No. 22- 108

COPY

Before ARB Members Torrelli, Rabin, Wilson and Milone
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner): Paul Tsui, Esq.
For the Respondent: Douglas Nadjari, Esq.

Following the Respondent's conviction of the federal crime of Conspiracy to Commit Health Care Fraud, a BPMC Hearing Committee determined that the Respondent's conduct amounted to professional misconduct and voted to suspend his license to practice medicine in New York State (License), and place him on probation, and require that he complete a master's program in bioethics. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Petitioner asked the ARB to review that Determination. After reviewing the hearing record and the parties' review submissions, the ARB affirms the hearing committee's determination.

Committee Determination on the Charges

Pursuant to PHL § 230 *et seq*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL § 230(10)(p). The Petitioner's Statement of Charges

alleged that the Respondent committed professional misconduct under New York Education Law (Educ. Law) § 6530(9)(a)(ii) by being convicted of a federal crime; specifically, Conspiracy to Commit Health Care Fraud. (18 U.S.C. § 371). In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). Following the Direct Referral Hearing, the Committee rendered the Determination now on review.

The evidence before the Committee demonstrated that on or about May 20, 2021, the Respondent was convicted of Conspiracy to Commit Health Care Fraud in the United States District Court, Southern District of New York. The Respondent admitted to willfully and knowingly conspiring with others for 12 years to execute a scheme to defraud a federal health care benefits program, receiving approximately \$554,331 in unentitled reimbursements from said program. The Respondent was sentenced to 20 months imprisonment followed by two years of post-release supervision, payment of a fine of \$100,000, and restitution in the amount of \$554,331.

The Committee determined that the Respondent's conduct made him liable for action against his License pursuant to Educ. Law §§ 6530(9)(a)(ii), having been convicted of a federal crime.

The Committee found the Respondent remorseful, that he had re-evaluated his priorities, values, and the impact of his actions. The Committee weighed the serious nature of the conviction against the Respondent's commitment to public service and professional achievements, and the Committee determined that the Respondent was not likely to re-offend because he had adjusted his billing practices and has enrolled in a master's degree program in Bioethics at Creighton University School of Medicine. For a penalty, the Committee imposed a 15-month suspension of the Respondent's license, commencing upon the Respondent's release from prison; followed by 2 ½ years of

probation under the supervision of a billing monitor, and successful completion of the master's degree program prior to the suspension of his license being lifted.

Review History and Issues

The Committee rendered their Determination on November 22, 2021. This proceeding commenced on December 1, 2021, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief, and the Respondent's reply brief. The record closed when the ARB received the reply brief on January 21, 2022.

The Petitioner argued that the penalty imposed by the Committee was insufficient because it does not send a strong message of deterrence. The Petitioner urges the ARB to impose an immediate suspension of the Respondent's license while he is incarcerated, then an additional 15-month suspension upon the Respondent's release from prison. The Petitioner also advocated for three years of probation with a requirement to complete continuing medical education during each year of probation, and imposing a permanent restriction on the Respondent from billing, regardless of the setting.

The Respondent asserted that the Committee's decision should stand because it is consistent with the findings of fact, and appropriate based on the record. The Respondent also argued that the Petitioner's request to impose a permanent restriction on the Respondent's license would, in effect, prevent him from practicing medicine.

ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a

permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd., 195 A.D.2d 86, 606 N.Y.S.2d 381 (3rd Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 NYS 2d 759 (3rd Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3rd Dept. 1995). The ARB may choose to impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3rd Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

Determination

The ARB has considered the record and the parties' briefs. We agree with the Committee that the Respondent's conduct resulting in his conviction of Conspiracy to Commit Health Care Fraud constitutes professional misconduct. We affirm the

Committee's Determination, finding the penalty imposed to be reasonably related to the charge, and commensurate with the evidence.

Order

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

1. The ARB affirms the Committee's determination that the Respondent committed professional misconduct.
2. The ARB affirms the Committee's determination regarding penalty as more fully set forth in the Determination and Order dated November 22, 2021.

Linda Prescott Wilson

Jill Rabin, M.D.

Richard D. Milone, M.D.

Carmela Torrelli

In the Matter of Asim Hameedi, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order
in the Matter of Dr. Hameedi.

Dated: 5 May, 2022


Linda Prescott Wilson

In the Matter of Asim Hameedi, M.D.

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

Dated: 4/29/22, 2022



Jill M. Rabin, M.D. 

In the Matter of Asim Hameedi, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and
Order in the Matter of Dr. Hameedi.

Dated: April 29, 2022

A black rectangular redaction box covers the signature of Richard D. Milone, M.D.

Richard D. Milone, M.D.

In the Matter of Chand Ummar, M.D.

Chand Ummar, an ARD Member accused in the Determination of Cause for
Removal of Dr. Chand U.

Date: May 3, 2022

[Redacted Signature]

Chand Ummar