



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

November 23, 2021

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Douglas M. Nadjari, Esq.  
Ruskin Moscou Faltischek, P.C.  
1425 RXR Plaza  
East Tower, 15<sup>th</sup> 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.21-244) 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.

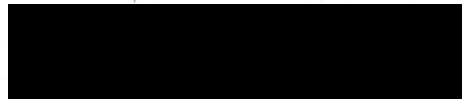
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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,

A solid black rectangular box redacting the signature of Dawn MacKillop-Soller.

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

DXM: cmg  
Enclosure

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

**COPY**

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**IN THE MATTER** :  
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**OF** :  
:  
**ASIM HAMEEDI, M.D.** :  
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**DETERMINATION**  
  
**AND**  
  
**ORDER**  
  
BPMC-21-244

A hearing was held on September 21, 2021 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **WILLIAM A. TEDESCO, M.D.**, Chairperson, **GREGORY ALLEN THREATTE, 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. **NATALIE J. BORDEAUX, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

A Notice of Referral Proceeding, and Statement of Charges dated June 22, 2021<sup>1</sup>, were duly served upon Asim Hameedi, M.D. (Respondent). (Exhibits 1 and 2.) The Department appeared by Paul Tsui, Associate Counsel. The Respondent was represented by Douglas Nadjari, Esq., and testified on his own behalf. Four other witnesses testified in support of the Respondent: (1) Samuel Lang, M.D.; (2) Coding Consultant Jacqueline Thelian; (3) New York-Presbyterian Queens Hospital's Director of Cardiac Electrophysiology David Slotwiner, M.D.; and (4) Nadia Afridi, M.D., the Respondent's wife. The Hearing Committee received and examined documents from the Department (Exhibits 1-3, 5-6) and the Respondent (Exhibits A-J). A transcript of the proceeding was made. (T 1-217.) Deliberations were held on November 2, 2021.

<sup>1</sup> The parties agreed to reschedule this hearing for September 21, 2021.

The Hearing Committee unanimously voted 3-0 to sustain the charge that the Respondent committed professional misconduct, in violation of Education Law (Educ. Law) § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law. The Hearing Committee unanimously determined pursuant to PHL § 230-a to suspend the Respondent's medical license followed by a period of probation with conditions. The Hearing Committee also determined pursuant to PHL § 230-a(8) to require the Respondent to pursue and complete a course of education, specifically, his master's degree in Bioethics at Creighton University School of Medicine.

### **JURISDICTION**

The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law, specifically, 18 U.S.C. § 371. A licensee charged solely with a violation of Educ. Law § 6530(9) is entitled to a hearing, the scope of which is limited to whether there is a relevant conviction or administrative determination and if so, the nature and severity of the penalty to be imposed. PHL § 230(10)(p). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. 10 NYCRR § 51.11(d). The Department had the burden of proving its case by a preponderance of the evidence. PHL § 230(10)(f).

### **FINDINGS OF FACT**

The Hearing Committee, by unanimous vote, hereby makes the following findings of fact:

1. On June 17, 1999, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 214380. (Exhibit 3.)
2. On or about May 20, 2021, the Respondent was convicted in the United States District Court, Southern District of New York, following his guilty plea, to the felony crime of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 371. Pursuant to this plea, the

Respondent acknowledged that he willfully and knowingly conspired with others from the year 2003 until November 2015 to execute a scheme to defraud a federal health care benefits program by making materially false statements in prior authorization requests for medical tests and procedures and in claims for payment and agreed that he received approximately \$554,331 in reimbursements from Medicare or Medicaid that he was not entitled to receive. The Respondent was sentenced to 20 months of imprisonment, followed by two years of supervised release. A \$100,000 fine was imposed, along with restitution in the amount of \$554,331. (Exhibits 5 and 6.)

### CONCLUSIONS OF LAW

The Hearing Committee reviewed the Department's evidence showing the Respondent's plea of guilty in the United States District Court, Southern District of New York, Conspiracy to Commit Healthcare Fraud, a felony, under 18 U.S.C. § 371. Based on this conviction, the Hearing Committee unanimously voted (3-0) that the Respondent violated Educ. Law § 6530(9)(a)(ii), which defines professional misconduct to include:

9. (a) Being convicted of committing an act constituting a crime under... (ii) federal law.

The Hearing Committee then considered the full spectrum of penalties under PHL § 230-a, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties, and the penalties recommended by both parties. The Department recommended revocation of the Respondent's medical license, or, in the alternative, at least 3 years' suspension of the Respondent's licensure, followed by a period of probation under the supervision of a practice monitor, and successful completion of continuing medical education in ethics. (T 170-71.) The Respondent requested a more lenient penalty, suggesting a 6-month actual suspension out of a total 3-year suspension, the remainder of which would be stayed, continuing medical education, probation under the supervision of a billing monitor, and a fine. (T 175.)

Although the Hearing Committee recognized the gravity of the crime for which the Respondent was convicted and incarcerated, they did not agree that revocation of the Respondent's medical license was warranted. The Hearing Committee found that the Respondent was remorseful for his criminal actions and considered the punishments, both personal and professional, that he has endured because of his actions. Both the Respondent and his wife testified that his arrest and criminal trial have prompted the Respondent to reevaluate his priorities, values, and the impact of his actions.

The Hearing Committee also considered the Respondent's significant professional achievements, and his commitment to public service, all of which he would be precluded from continuing to provide to the public if his license was revoked. Furthermore, the Hearing Committee did not believe that the Respondent was likely to commit additional fraudulent actions, as he has taken steps to adjust his billing practices and has enrolled in a master's degree program in Bioethics to understand the impact of improper billing and coding practices. Thus, despite the Hearing Committee's strong disapproval for the conduct that led to the Respondent's conviction, the Hearing Committee was satisfied that the Respondent has accepted responsibility for his mistakes and is eager to take all necessary steps to ensure that he is able to continue practicing medicine.

At the hearing, the Respondent testified that he expected to serve approximately 5 months of his sentence in prison, with the remainder to be fulfilled through home confinement. (T 148-49.) The Hearing Committee sought to ensure that the duration of the imposed suspension extended beyond the prison sentence that the Respondent is currently serving to prevent him from practicing medicine during home confinement and possibly, for several additional months.

Therefore, the Hearing Committee concluded that the most appropriate penalty in this case is the imposition of a 15-month period of suspension to commence immediately upon the Respondent's release from prison, followed by a 2 1/2-year period of probation under the supervision of a billing

monitor, who will be tasked with reviewing, among other information, referrals received and written by the Respondent. In reaching its determination, the Hearing Committee relied, in part, upon the Respondent's enrollment in a master's degree in Bioethics at Creighton University School of Medicine to ethically inform his billing and coding decisions. The Hearing Committee considered his successful completion of this program important to ensure the ethically correct performance in his future billing practices. The Respondent is therefore ordered to show successful completion of that program before the conclusion of his suspension.

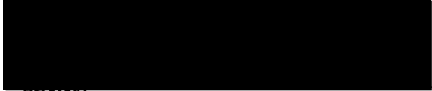
**ORDER**

**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 wholly suspended, pursuant to PHL § 230-a(2)(a), for 15 months to commence immediately upon the Respondent's release from prison, and the Respondent is placed on probation for 2 ½ years, subject to the conditions provided in the Terms of Probation (Appendix II) and tolled when the Respondent is not engaged in the practice of medicine in the state of New York.
3. Within 30 days prior to the completion of the suspension period, the Respondent is required, pursuant to PHL § 230-a(8), to submit proof to the Director of the Office of Professional Medical Conduct that he pursued and completed his master's degree in Bioethics administered by Creighton University School of Medicine.
4. The Respondent must comply with the terms of this Determination and Order and all the attached Terms of Probation.
5. This Order shall be effective upon service on the Respondent in compliance with PHL § 230(10)(h).

**DATED: Menands, New York**

11/22, 2021

  
**William A. Tedesco, M.D.**  
Chairperson

**Gregory Allen Threatte, M.D.**  
**David F. Irvine, DHSc, P.A.**

To: Douglas M. Nadjari, Esq.  
Ruskin Moscou Faltischek, P.C.  
1425 RXX Plaza  
East Tower, 15<sup>th</sup> Floor  
Uniondale, New York 12237

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



# APPENDIX I

**IN THE MATTER**  
**OF**  
**ASIM HAMEEDI, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

Asim Hameedi, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 17, 1999, by the issuance of license number 214380 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 20, 2021, in the United States District Court, Southern District of New York, Respondent was found guilty based on a plea of guilty, to Conspiracy to Commit Healthcare Fraud, in violation of 18 U.S.C. §1347, and sentenced to 20 months in prison, two years of supervised release, restitution of \$554,331.00, and a fine of \$100,000.00.

**SPECIFICATION OF CHARGES**

**CRIMINAL CONVICTION (Federal)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: June 22, 2021  
Albany, New York



JEFFREY J. CONKLIN  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct

## APPENDIX II

### **Terms of Probation**

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by Educ. Law § 6530 or § 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to PHL § 230(19).
2. Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204 with the following information, in writing, and ensure that this information is kept current: a full description of his employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with and respond in a timely manner to OPMC requests to provide written periodic verification of his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if he is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in the Determination and Order or as are necessary to protect the public health.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. The Respondent shall practice medicine only when his billing practices are monitored by a certified billing and coding specialist, proposed by the Respondent and subject to the written approval of the Director of the OPMC. The billing and coding specialist shall visit the Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine the records maintained by the Respondent. The review will determine whether the Respondent's billing practices are conducted in accordance with generally accepted standards of practice. Any perceived deviation of accepted standards of billing practices or refusal to cooperate with the monitor shall be reported within 24 hours to

the OPMC. The Respondent shall remain solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring billing and coding specialist. The Respondent shall cause the billing and coding specialist to report quarterly, in writing, to the Director of the OPMC.

8. The Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with PHL § 230(18)(b). Proof of coverage shall be submitted to the Director of OPMC prior to the Respondent's practice after the effective date of this Order.
9. The Respondent shall comply with all terms, conditions, restrictions, requirements, and penalties to which he is subject pursuant to the Order, and shall assume and bear all costs related to compliance. Upon receipt of evidence of non-compliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding against the Respondent as may be authorized by law.