



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

September 13, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
NYS Department of Health
Corning Tower - Room 2512
Empire State Plaza
Albany, New York 12237

Jorge Sfeir, MD
[REDACTED]

RE: In the Matter of Jorge Sfeir, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-189) 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.

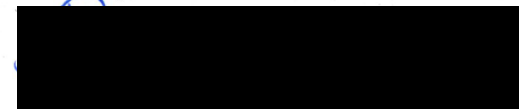
The notice of review served on the Administrative Review Board should be forwarded to:

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,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:nm
Enclosure

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

In the matter of

Jorge Sfeir, MD
NYS license # 154751

COPY

**Determination
and Order**

BPMC-21-189

A notice of referral proceeding and statement of charges, both dated July 8, 2021, were served on Respondent **Jorge Sfeir, MD**. The statement of charges alleged professional misconduct in violation of New York State Education Law 6530. (Exhibit 1.) A hearing was held at offices of the New York State Department of Health on September 1, 2021, by videoconference.

Pursuant to Public Health Law (PHL) 230(10)(e), **Robert A. Dracker, MD**, Chair, **Ashwani Chhibber, MD**, and **Gail S. Homick Herrling**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Marc S. Nash, Esq.** **Jorge Sfeir, MD** (the Respondent) did not appear, although duly served with notice of the hearing in conformity with the requirements of PHL 230(10)(d). (Exhibit 2.) After consideration of the entire record, the hearing committee issues this determination and order sustaining the charges and revoking the Respondent's license to practice medicine.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of

Health and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(ii).

Pursuant to PHL 230(10)(p), a hearing on limited issues, or “direct referral proceeding,” is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

The Petitioner relied on documents presented at the hearing (Exhibits 1-5.) A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Jorge Sfeir, MD was authorized to practice medicine in New York State on July 1, 1983 under license number 154751. (Exhibit 3.)
2. On October 21, 2020, in the United States District Court, Northern District of Illinois, the Respondent pleaded guilty to and was convicted of one count of Health Care Fraud, in violation of 18 U.S.C. 1347. He was sentenced to eighteen months imprisonment, assessed \$100, and ordered to pay restitution of \$4,278,693. (Exhibit 4.)

Jorge Sfeir, MD

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HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the United States District Court of Illinois (Exhibits 4, 5), the hearing committee unanimously determined that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(a)(ii) which defines professional misconduct, in pertinent part, as:

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

The Petitioner recommended revocation of the Respondent's license.

The Respondent was charged with numerous counts and pleaded guilty to massive health care fraud under the Medicare Program. (Exhibit 5.) The hearing committee unanimously agreed that the evidence warranted the revocation of his medical license.

ORDER**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is revoked.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York



By:


Robert A. Dracker, MD, Chair

Sept 10, 2021

Ashwani Chhibber, MD
Gail S. Homick Herrling

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237


Jorge Sfeir, MD


APPENDIX I

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

IN THE MATTER
OF
JORGE SFEIR, M.D.

STATEMENT
OF
CHARGES

JORGE SFEIR, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1983, by the issuance of license number 154751 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 21, 2020, in the United States District Court, Northern District of Illinois, Respondent was convicted of one count of Health Care Fraud [18 U.S.C. § 1847) and was sentenced to 18 months imprisonment, assessed \$100.00, and directed to pay restitution in the amount of \$4,278,693.00.

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. Paragraph A.

DATE: July 8, 2021
Albany, New York



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