



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

March 23, 2022

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Nadiv Shapira, M.D.  
1300 North Franklin Street  
Wilmington, Delaware 19806


Re: License No. 172378

Dear Dr. Shapira:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 22-051. This order and any penalty provided therein goes into effect March 30, 2022.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

  
Michael S. Jakubowski, M.D.  
Interim Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: John Elzufon, Esq.  
300 Delaware Avenue, Suite 1700  
P.O. Box 1630  
Wilmington, Delaware 19899-1630

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

**IN THE MATTER  
OF  
NADIV SHAPIRA, M.D.**

BPMC No. 22-051

CONSENT  
ORDER

Upon the application of Nadiv Shapira, M.D., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

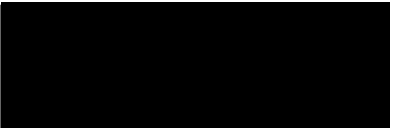
ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 3/22/2022

  
THOMAS T. LEE, M.D.

Interim Chair  
State Board for Professional Medical Conduct

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

IN THE MATTER  
OF  
NADIV SHAPIRA, M.D.

CONSENT  
AGREEMENT

NADIV SHAPIRA, M.D., represents that all of the following statements are true:

That on or about September 17, 1987, I was licensed to practice as a physician in the State of New York and issued License No. 172378 by the New York State Education Department.

My current address is 1300 North Franklin Street, Wilmington, DE 19806, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

Pursuant to N.Y. Public Health Law §230-a(3), my license to practice medicine in New York State shall be limited to preclude treating and prescribing, dispensing, ordering, and/or administering any prescription medications, controlled or not-controlled, for myself and any person with whom Respondent does not have a bona-fide physician/patient relationship, including, but not limited to, Respondent's family, Respondent's friends, and Respondent's co-workers.

I shall comply with, and successfully complete, to the satisfaction of the Director of OPMC, the terms/or conditions of the May 4, 2021 Order with the Delaware Board of Medical Licensure and Discipline, and the May 25, 2021 Order with the Delaware Secretary of State, and any extensions or modifications to such Orders.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502, including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective

date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub.

Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's 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. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's

compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney

by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.



DATE

3/14/2022

  
NADIV SHAPIRA/M.D.


RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 3/14/2022

  
JOHN A. ELZURON, ESQ.  
Attorney for Respondent

DATE: 3/15/22

  
DEBORAH BETH MEDOWS  
Senior Attorney  
Bureau of Professional Medical Conduct

DATE: 3-16-22

  
SHELLY WANG BANDAGO  
Director  
Office of Professional Medical Conduct

**EXHIBIT "A"**

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

**IN THE MATTER  
OF  
NADIV SHAPIRA, M.D.**

**STATEMENT  
OF  
CHARGES**

NADIV SHAPIRA, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 17, 1987, by the issuance of license number 172378 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about May 4, 2021 the Delaware Board of Medical Licensure and Discipline (hereinafter "the Delaware Board") issued an Order regarding Respondent, which approved a Consent Agreement dated on or about April 26, 2021. The Consent Order stated that "on several occasions between 2011 and 2018, Respondent wrote prescriptions for controlled substances, including but not limited to benzodiazepines, opiates, and amphetamines, for himself and members of his family," without "setting forth the statutory and regulatory medical justification for these prescriptions" nor "did the recipients of any of these prescriptions have separately identified files and medical records" as required. The Delaware Board issued to Respondent, among other matters: a letter of reprimand; six months of probation; six hours of continuing education on the subject of controlled substances and three hours of continued education on the

subject of record keeping; the possibility of random inspections; and a thousand dollar fine.

- B. Based on the same conduct, on or about May 25, 2021, the Delaware Secretary of State issued an Order that adopted a Consent Agreement that Respondent entered into on or about December 31, 2020. The Consent Agreement with the Delaware Secretary of State stated that "on several occasions between 2012 and 2018, Respondent wrote prescriptions for controlled substances, including but not limited to benzodiazepines, opiates, and amphetamines, for himself, his employees, and members of his family," without setting "forth the statutory and regulatory medical justification for these prescriptions" nor "did the recipients of any of these prescriptions have separately identified files and medical records" as required. Respondent's Controlled Substances Registration was placed on a six month probation.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. N.Y. Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion), as alleged in the facts of:

i. Paragraphs A and B.

b. N.Y. Education Law § 6530 (32) (Failure to maintain a record), as alleged in the facts of:

i. Paragraphs A and B.

#### SPECIFICATION OF CHARGES

#### HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §6530 (3) and (32), as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: December, 2 2021  
New York, New York

  
Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct