



# Department of Health

KATHY HOCHUL  
Governor

JAMES V. McDONALD, M.D., M.P.H.  
Commissioner

JOHANNE E. MORNE, M.S.  
Executive Deputy Commissioner

April 22, 2024

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Vadim Baram, M.D.  
10420 Old Olive St. Road, Suite 205  
St. Louis, Missouri 63141

Re: License No. 230500

Dear Dr. Baram:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 24-090. This order and any penalty provided therein goes into effect April 29, 2024.

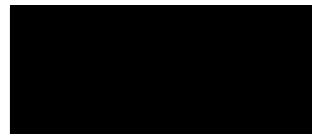
**You are required to deliver your license and registration within 5 days of the effective date of the surrender provision to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.**

**If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct. The enclosed Board Order checklist requires your review and compliance as it relates to your Order.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518) 402-0846.

Sincerely,



David Besser, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Sari Gabay, Esq.  
Gabay & Bowler  
48 West 21<sup>st</sup> Street, Suite 1000  
New York, New York 10010

**IN THE MATTER  
OF  
VADIM BARAM, M.D.**


**MODIFICATION  
ORDER**

Upon the proposed Application for a Modification Order of Vadim Baram, M.D. (Respondent), which is made a part of this Modification Order, it is agreed to and ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 4/19/2024

  
THOMAS T. LEE, M.D.  
Chair  
State Board for Professional Medical Conduct

IN THE MATTER  
OF  
VADIM BARAM M.D.

MODIFICATION  
AGREEMENT  
AND  
ORDER

Vadim Baram, M.D., represents that all of the following statements are true:

That on or about November 12, 2003, I was licensed to practice as a physician in the State of New York and issued License No. 230500 by the New York State Education Department.

My current address is 10420 Old Olive St Rd, Ste 205  
St. Louis MO 63141  
and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to a Determination and Order (BPMC Order # 22-256) of the Professional Medical Conduct Administrative Review Board (Attachment I) (henceforth "Original Order"), which went into effect on December 23, 2022, and which was issued following an appeal to the Administrative Review Board for Professional Medical Conduct pursuant to N.Y. Pub. Health Law §230(10) and §230-c. Pursuant to N.Y. Pub. Health Law § 230(10)(q), I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

The sanction imposed in the Original Order was:

- a one year stayed suspension;

- a one year period of probation; and
- a permanent restriction prohibiting Respondent from performing electroconvulsive therapy.

The sanction imposed shall be modified to read as follows:

- to permit me to surrender my license as a physician and to preclude my practice of medicine in the State of New York;
- to substitute a surrender of my license for so much of the penalty as remains for me to serve, as set forth in the Original Order (attached "Attachment I");
- to release me from the condition set forth in the Original Order requiring that I register and continue to be registered with the New York State Education Department and pay all registration fees. By its terms, the condition continues so long as I remain a licensee in New York State; upon the effective date of this Modification Order and the surrender of my license, this condition and requirement shall cease;
- to subject me to the terms and conditions set forth in the attached document entitled "Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License" (henceforth "Attachment II", which is attached);

and

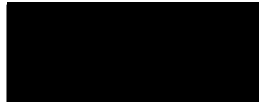
All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In

consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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 07/17/2024



VADIM BARAM, M.D.  
Respondent

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

DATE: 7/17/24



SARI GABAY, ESQ.  
Attorney for Respondent

DATE: 4/19/2024



COURTNEY BERRY  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 4/19/2024



For

SHELLY WANG BANDAGO  
Director  
Office of Professional Medical Conduct

**ATTACHMENT I**



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

December 16, 2022

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower Building, Room 2512  
Empire State Plaza  
Albany, New York 12237

Sari Gabay, Esq.  
Gabay & Bowler  
48 West 21<sup>st</sup> Street  
Suite 1000  
New York, New York 10010

**RE: In the Matter of Vadim Baram, MD**

Dear Parties:

Enclosed please find the Determination and Order (No. 22-256) 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,



Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: cmg  
Enclosure

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

In the Matter of

Vadim Baram, M.D. (Respondent)

Administrative Review Board (ARB)

Determination and Order No. 22- 256

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

COPY

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

For the Department of Health (Petitioner): Marc S. Nash, Esq.  
For the Respondent: Sari Gabay, Esq.

Following the Respondent's disciplinary action by the Missouri State Board of Registration for the Healing Arts (MO Board), a BPMC Hearing Committee determined that the Respondent's conduct constituted professional misconduct. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Respondent asked the ARB to review that Determination. After reviewing the hearing record and the review submission, the ARB affirms the Hearing Committee's determination and modifies the penalty imposed.

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)(b) by having been found guilty of improper professional practice or misconduct by a duly authorized professional disciplinary agency of another state, which would constitute professional misconduct under New York State law, if the conduct had occurred in New York. The Respondent was also charged with violating Educ. Law § 6530(9)(d), by having disciplinary action taken against his license to practice medicine in Missouri (MO license), where the conduct resulting in the disciplinary action would constitute professional misconduct if committed in New York State. 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 May 13, 2021, the MO Board issued Findings of Fact, Conclusions of Law and Disciplinary Order (Order) publicly reprimanding the Respondent's physician and surgical license. The Order was issued after a disciplinary hearing which found that the Respondent, a psychiatrist, failed to attempt to reduce the frequency of electroconvulsive therapy (ECT); failed to perform assessments within 24 hours of performing ECT; failed to document sufficient information justifying continued ECT; and failed to properly document assessments, or side effects, or cognitive function after treatment regarding the treatment of three patients.

The Committee determined that the Respondent's conduct constituted professional misconduct under Educ. Law §§ 6530(9)(b) and (d) in that the conduct for which the Respondent was disciplined would violate Educ. Law § 6530(3), practicing the profession with negligence on more than one occasion, if committed in New York State; and Educ. Law § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. The Committee noted that the Respondent accepted responsibility for his actions and had corrected the

deficiencies in his practice. The Committee also noted that the Respondent has opened a telemedicine psychiatric practice in New York. The Committee suspended the Respondent's license to practice medicine in New York (NY license) for one year, stayed the suspension, and placed the Respondent on probation for one year under the supervision of an approved practice monitor.

### Review History and Issues

The Committee issued their Determination on April 21, 2022. This proceeding commenced on May 5, 2022, when the ARB received the Respondent's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Respondent's brief, and the Petitioner's reply brief. The record closed when the ARB received the reply brief on June 21, 2022.

The Respondent argued that the charges should be dismissed in the interest of justice because the Respondent took responsibility for his actions, and has taken affirmative steps to correct his practices. In addition, the conduct giving rise to the disciplinary action in Missouri occurred between 2008 and 2013, with no subsequent charges, which mitigates against imposing a penalty. Finally, the Respondent asserted that there is no rational basis for imposing a harsher penalty than the MO Board imposed.

The Petitioner asserted that the Committee's decision to sustain the charges should stand because it is undisputed that the MO Board took disciplinary action taken against his MO license, and found the Respondent guilty of professional misconduct. The Petitioner pointed out that the MO Board found the Respondent had committed repeated negligence in his performance of ECT treatments. The Petitioner also argued that because the Respondent currently treats patients via telemedicine in New York, and intends to open a physical practice in New York, the ARB should amend the penalty imposed by the Committee in order to adequately protect New York residents.

The Petitioner urges the ARB to increase the stayed suspension of the Respondent's license to three years, and increase the term of probation to three years with a practice monitor.

#### 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 (3<sup>rd</sup> Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 N.Y.S.2d 759 (3<sup>rd</sup> Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3<sup>rd</sup> 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 (3<sup>rd</sup> 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 affirm the Committee's determination that the Respondent's conduct constitutes professional misconduct. In addition to the penalty imposed by the Committee, we impose a permanent limitation on the Respondent's license, precluding him from practicing ECT.

The ARB rejects the Respondent's argument that the charges should be dismissed in the interest of justice because the Respondent took responsibility for his actions and changed his practices after disciplinary action had been taken against his license. The undisputed fact is that the Respondent was found to have committed professional misconduct. The Respondent subjected his license in New York to disciplinary action because if the conduct for which he was disciplined had occurred in New York, it would constitute neglect on more than one occasion and failure to maintain accurate records reflecting the treatment and evaluation of his patients, in violation of New York law.

The ARB notes that the Committee is under no obligation to impose a penalty commensurate with a penalty of another state's professional disciplinary agency. The record reflects that the Respondent has initiated a telemedicine practice in New York, and intends to open a physical practice here. The Respondent's arguments primarily address his failure to maintain accurate records; but he was also disciplined for neglect on more than one occasion regarding his ECT treatment of three patients. The MO Board found that the Respondent willfully and continually performed inappropriate or unnecessary treatment to these patients. The Respondent failed to perform assessments within 24 hours of treatment; failed to ensure that the frequency of these ECT

treatments were warranted; and failed to document and/or reduce the frequency of ECT treatments. We agree with the Committee that suspending the Respondent's license for one year, with the suspension being stayed, and placing the Respondent on probation for one year is appropriate; but we find that the additional penalty of imposing a permanent restriction on the Respondent's license from performing ECT in New York will sufficiently protect the public.

Order

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

1. The ARB finds that the Respondent committed professional misconduct.
2. The ARB affirms the Hearing Committee's determination to suspend the Respondent's license to practice medicine in New York for one year, with the suspension fully stayed; and subjecting the Respondent to probation for one year pursuant to the terms attached to the Determination and Order dated April 21, 2022.
3. The ARB imposes a permanent restriction on the Respondent's license to practice medicine in New York, prohibiting him from practicing electroconvulsive therapy.

Linda Prescott Wilson  
Jill Rabin, M.D.  
Richard D. Milone, M.D.  
Carmela Torrelli  
Michael J. Reichgott, M.D., PhD.

In the Matter of Vadim Baram, M.D.

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

Dated: 9 December, 2022

A black rectangular redaction box covers the signature of Linda Prescott Wilson.

Linda Prescott Wilson



In the Matter of Vadim Baram, M.D.

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

Dated: December 6<sup>th</sup>, 2022


Jill M. Rabin, M.D.

In the Matter of Vadim Baram, M.D.

Carmela Torrelli, an ARB Member concurs in the Determination and Order in the  
Matter of Dr. Baram.

Dated: December 13, 2022

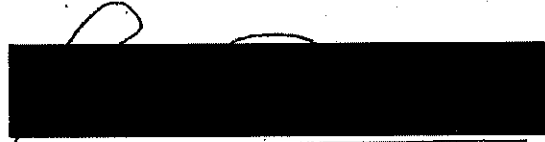
A solid black rectangular box used to redact the signature of Carmela Torrelli.

Carmela Torrelli

In the Matter of Vadim Baram, M.D.

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

Dated: December 6, 2022


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

Richard D. Milone, M.D.

In the Matter of Vadim Baram, M.D.

Michael J. Reichgott, M.D., Ph.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Baram.

Dated: 12/06, 2022

  
\_\_\_\_\_  
Michael J. Reichgott, M.D., Ph.D.

## ATTACHMENT II

### Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender Licensee's DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall destroy all prescription pads bearing Licensee's name. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law §

230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty and may include revocation of a suspended license.