



# Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

October 19, 2022

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

Benjamin Adams, D.O.



Re: License No. 266402

Dear Dr. Adams:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 22-217. This order and any penalty provided therein goes into effect October 26, 2022.

The Board Order checklist requires your review and compliance as it relates to your Order.

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: Douglas M. Nadjari, Esq.  
Ruskin Moscou Faltischek, PC.  
1425 RXR Plaza  
East Tower, 15<sup>th</sup> Floor  
Uniondale, New York 11556-1425

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

BPMC No. 22-217

IN THE MATTER  
OF  
BENJAMIN ADAMS, D.O.

CONSENT  
ORDER

Upon the application of Benjamin Adams, D.O. 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

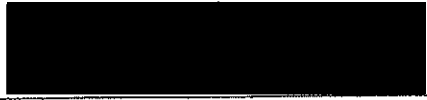
by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 10/18/2022

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



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

IN THE MATTER  
OF  
BENJAMIN ADAMS, D.O.

CONSENT  
AGREEMENT

Benjamin Adams, D.O., represents that all of the following statements are true:

That on or about August 22, 2012, I was licensed to practice as a physician in the State of New York, and issued license number 266402 by the New York State Education Department.

My current address is [REDACTED], 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 assert that I cannot successfully defend against at least one act of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to New York Pub. Health Law § 230-a(2), my license to practice as a physician in New York State shall be suspended for one (1) year, with the entire period stayed.

[REDACTED]

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; and

That Respondent shall enroll in and successfully complete a continuing education program as directed by the Office of Professional Medical Conduct, subject to the Director of OPMC's prior written approval; and

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 the Licensee's profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to the Licensee's 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: 10/13/22


  
DOUGLAS ADAMS, D.O.  
RESPONDENT  
*Benjamin Adams, D.O.*






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

DATE: 10/14/2022

  
DOUGLAS NADJARI  
Attorney for Respondent

DATE: 10/14/2022

  
DAVID G. ABRAMS  
Senior Counsel  
New York State Department of Health

DATE: 10-18-22


  
SHELLY WANG BANDAGO  
Director  
Office of Professional Medical Conduct



Exhibit A



IN THE MATTER  
OF  
BENJAMIN ADAMS, D.O.

STATEMENT  
OF  
CHARGES

BENJAMIN ADAMS, D.O., the Respondent, was licensed to practice medicine in New York State on or about August 22, 2012 by the issuance of license number 266402 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On July 10, 2017, Respondent, who was then employed by Mount Sinai Beth Israel Medical Center ("Mount Sinai") as an attending physician in the Department of Emergency Medicine, was responsible for the assessment of Patient A (identified in attached Appendix A), then a 60-year-old male.
1. The triage notes for Patient A stated a primary diagnosis of "alcohol abuse w/intox, unspecified", and a social history of "alcoholism/homeless."
  2. Initial triage acuity level was assessed at level three (3) urgent. The Patient Care Report stated that Patient A was "breathing adequately and no trauma or injuries" were observed "upon patient evaluation" by the EMT.
  3. The appropriate standard of care would be a medical screening exam, which would include assessment of vital signs and a brief mental status or neurologic assessment.
  4. Respondent did not fully assess Patient A's vital signs nor conduct a standard neurologic assessment. Yet Respondent noted that he found Patient A to be "oriented and alert [as] to time, place, and person", "relatively clean and sober given his baseline," and determined that Patient A was "stable for discharge."
  5. Subsequently, Respondent escorted Patient A in his wheelchair to the top of a ramp leading to the street exit but did not fully assess and/or document Patient A's ability to safely navigate the ramp by wheelchair without assistance. After

Respondent released the wheelchair, Patient A was unable to maintain control, resulting in abrasions to Patient A, whose injuries were treated and did not warrant admission.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**  
**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession with negligence on more than one occasion, as alleged in the facts of:


1. Paragraphs A, A.4, and A.5.

**SECOND SPECIFICATION**  
**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

1. Paragraphs A, A.4, and A.5.

DATE: October 14, 2022  
New York, New York

  
HENRY WEINTRAUB  
Chief Counsel  
Bureau of Professional Medical Conduct

