

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

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

IN THE MATTER
OF
JAMES SAKR, M.D.

STATEMENT
OF
CHARGES

JAMES SAKR, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 16, 1982, by the issuance of license number 149618 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 21, 2022, in the United States District Court, Western District of New York, Respondent entered into a Joint Stipulation of Dismissal, whereby Respondent agreed to pay the United States the sum of \$387,269.19, of which \$172,119.64 constitutes restitution. This Settlement was based upon a civil fraud action filed pursuant to the False Claims Act (31 U.S.C. § 3730(b) and the New York False Claims Act (NY State Fin. Law §§ 187, *et seq.*), with the United States filing a complaint on August 24, 2020. Specifically, the complaint alleged that from January 1, 2014 through December 31, 2019, Respondent submitted to the Medicare and Medicaid programs for procedures and/or services that Respondent either did not perform, were not medically necessary, or were not supported by documentation in the medical records.

B. Respondent's conduct as described above, upon which the resolution of the proceeding by stipulation or agreement was based would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to the following Section of New York State Law:

1. New York Education Law § 6530(3) (Practicing the profession with negligence on more than one occasion).

SPECIFICATION OF CHARGES

HAVING HAD ENTERED INTO A STIPULATION OR AGREEMENT TO RESOLVE AN ADJUDICATORY PROCEEDING ALLEGING A VIOLATION OF A STATE OR FEDERAL STATUTE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(c) by having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to this section (namely N.Y. Educ. Law § 6530(3)), as alleged in the facts of the following:

1. Paragraphs A and B and B.1

DATE: June 8, 2023
Albany, New York


JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct