



**Department
of Health**

KATHY HOCHUL
Governor

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

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

September 28, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Leslie Eisenberg, Esq.
NYS Department of Health
90 Church Street 4th Floor
New York, New York 10007

J. Benjamin Greene, Esq.
30 Wall Street, 8th Floor
New York, New York 10005

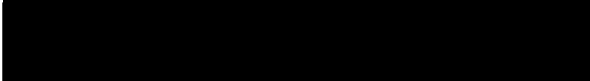
David Israel, M.D.


RE: In the Matter of David Israel, M.D.

Dear Parties:

Enclosed please find the Recommendation Pursuant to Public Health Law §230(12)(a) of the Hearing Committee in the above referenced matter.

Sincerely,


Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

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

COPY

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IN THE MATTER
OF
DAVID ISRAEL, M.D.

:
: RECOMMENDATION
: PURSUANT TO
: PUBLIC HEALTH LAW
: §230(12)(a)

:
: BPMC No. 23-204
:-----X

A Commissioner's Order and Notice of Hearing dated August 22, 2023 was duly served upon David Israel, M.D. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibit 1.) By summary action pursuant to PHL § 230(12)(a), the Respondent was ordered not to practice medicine based on a determination that he is causing, engaging in or maintaining a condition which constitutes an imminent danger to the health of the people. A hearing was scheduled and commenced on August 31, 2023 on the issue of imminent danger and to determine whether the summary order should be left in effect, modified or vacated while the hearing on the charges proceeds. The Office of Professional Medical Conduct (Department) submitted proof on the issue of imminent danger, and the Respondent was afforded an opportunity to be heard and present proof.

William A. Tedesco, M.D., Chair, Anthony Marinello, M.D., and Susan Ksiazek, B.S. Pharm., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee to determine whether the summary order should be left in effect, modified or vacated. Natalie Bordeaux served as the Administrative Law Judge for the proceeding. The Department appeared by Leslie A. Eisenberg, Esq. The Respondent appeared and was represented by J. Benjamin Greene, Esq. The hearing on the issue of imminent danger

was held by Cisco WebEx videoconference on August 31, September 5, and September 18, 2023.

The Hearing Committee examined documents from the Department (Exhibits 1-7, 9, 12, 15-23, 24a, 24b, 24c, 24d, 25a, 25b, 25c, 26a, 26b, 26c, 26d, 27, 28, 29a, 29b, 29c, 29d, 29e, 29g, 30-35, 36a, 36b, 37a, 37b, 38-45, and 47). The Department presented the following

witnesses: [REDACTED] the Respondent's neighbor [REDACTED]
[REDACTED] [REDACTED] the Respondent's neighbor [REDACTED]
[REDACTED] [REDACTED] the Respondent's
neighbor [REDACTED]
[REDACTED] Jennifer Barnello, an OPMC investigator who attempted to
obtain patient records from the Respondent; [REDACTED] a Mount Sinai Hospital Emergency
Medical Technician (EMT) dispatched to the Respondent's apartment on May 28, 2022 to attend
to Patient D, who sustained a gunshot wound; [REDACTED] a Mount Sinai Hospital EMT
dispatched to the Respondent's apartment on September 19, 2022 to attend to the Respondent,
who had overdosed on an unknown substance; [REDACTED] a Mount Sinai Hospital EMT
dispatched to the Respondent's apartment on April 16, 2023 to attend to Patient D; [REDACTED]
[REDACTED] Mount Sinai Hospital paramedics who were dispatched to the
Respondent's apartment on June 10, 2023 to attend to an individual who had overdosed on
heroin in the Respondent's apartment; and [REDACTED] a Mount Sinai Hospital
paramedic who was dispatched to the Respondent's apartment on July 7, 2023 to attend to the
Respondent, as witnesses. The Respondent did not present witnesses or offer evidence to refute
the Department's evidence regarding the imminent danger issue.

A transcript of the proceeding was made. Deliberations were held on September 27, 2023. The Department had the burden of going forward and proving by a preponderance of the evidence that the Respondent's condition, activity or practice constitutes an imminent danger to the health of the people. PHL § 230(12)(a).

Having afforded the parties an opportunity to be heard and present proof, the Hearing Committee determines that the Department's evidence raises profound concerns that the Respondent's use of illicit drugs; supervision of the administration of illicit drugs, including heroin and unprescribed methamphetamine that has repeatedly resulted in dangerous behaviors by illicit drug users in his presence and posed severe risks to public safety; interference with the care of individuals who overdose on illicit drugs in his presence while presenting himself as their physician; and excessive prescribing of controlled substances without consulting the Prescription Monitoring Program (PMP) registry and without performing physical examinations constitute imminent dangers to the health of the people.

The Hearing Committee recommends that the summary order remain in effect and the hearing continue on all the remaining charges. PHL § 230(12)(a). The Hearing Committee hereby recommends that the Commissioner adopt its recommendation within the next ten days by issuing the following order:

David Israel, M.D.

PHL § 230(12)(a) Recommendation

BASED UPON THE FORGOING RECOMMENDATION, IT IS HEREBY ORDERED
THAT:

The summary order remains in full force and effect until a final decision on the charges
has been rendered.

Dated: Albany, New York

September 27, 2023



James V. McDonald, M.D., M.P.H.
Commissioner of Health

To: Leslie Eisenberg, Esq.
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David Israel, M.D.

