



Department of Health

KATHY HOCHUL
Governor

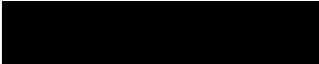
JAMES V. McDONALD, M.D., M.P.H.
Commissioner

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

January 17, 2024

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul Tsui, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

James A. Saadi, M.D.


RE: In the Matter of James A. Saadi, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 24-017) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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
Office of Professional Medical Conduct
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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

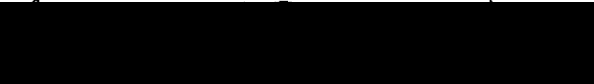
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Ms. Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

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

-----X
IN THE MATTER
OF
JAMES A. SAADI, M.D.
-----X

DETERMINATION
AND
ORDER

BPMC-24-017

A hearing was held on January 10, 2024, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Michael Iannuzzi, M.D., Chairperson, Ramanathan Raju, M.D., and JoAnn Marino, M.P.A., R.N.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Tina M. Champion**, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Paul Tsui, Associate Counsel. A Notice of Referral Proceeding and Statement of Charges, both dated November 22, 2023, were duly served upon James A. Saadi, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-5.) A stenographic reporter prepared a transcript of the proceeding.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with two specifications of professional misconduct – one pursuant to Educ. Law § 6530(9)(b) for “[h]aving been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state,” and one pursuant to Educ. Law § 6530(9)(d) for “[h]aving 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."

Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice." Educ. Law § 6530.

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was licensed to practice medicine in New York State on October 8, 2010, by issuance of license number 141146. (Dept. Ex. 3.)
2. On May 6, 2022, the Board of Registration for the Healing Arts of the State of Missouri (Missouri Board), by an Order of Revocation in Default, revoked the Respondent's physician and surgeon's license based on a finding that the Respondent failed to submit to a multidisciplinary competency examination within six months of a Missouri Board Order finding reasonable cause exists to believe that the Respondent is unable to practice the profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency and mental or physical incapacity. (Dept. Ex. 4.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, declines to sustain the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(b), and sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law and § 6530(9)(d).

HEARING COMMITTEE DETERMINATIONS

The Hearing Committee has thoroughly considered the evidence in this matter. It concludes that the Findings of Fact, Conclusions of Law and Order of Revocation in Default by the Missouri Board does not demonstrate that the Respondent was found guilty of improper professional practice or professional misconduct in Missouri. That Order, effective May 6, 2022, contains findings that the Respondent failed to submit to a required examination and did not appear for the hearing to contest the matter. The May 6, 2022 Order references a May 20, 2020 Order¹ that contains a finding that reasonable cause exists to believe that the Respondent is unable to practice his profession as a physician and surgeon with reasonable skill and safety to the public by reason of medical or osteopathic incompetency and mental or physical incapacity. There is no finding in the May 6, 2022 Order, nor reference to a finding in the May 20, 2020 Order, that the Respondent has been found guilty of improper professional practice or professional misconduct. (Dept. Ex. 4.) Accordingly, the specification that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(b) is not sustained.

The Hearing Committee concludes that the conduct resulting in the disciplinary action in Missouri, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(15) – Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of PHL § 230; and

Educ. Law § 6530(29) – Violating any term of probation or condition or limitation imposed on the licensee pursuant to PHL § 230.

¹ The May 20, 2020 Order was not offered into evidence.

Accordingly, the specification that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d) is sustained.

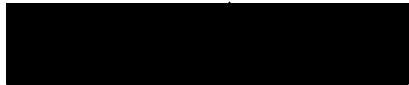
The Hearing Committee is concerned by Missouri's initial finding that reasonable cause exists to believe that the Respondent is unable to practice the profession with reasonable skill and safety to the public, the failure of the Respondent to submit to a multidisciplinary competency evaluation as ordered by the Missouri Board, and the demonstrated pattern of the Respondent failing to participate in proceedings involving his medical license in both Missouri and New York. Given the seriousness of the matter and the Respondent's failure to appear to respond to the charges brought by the Department, the Hearing Committee finds that the only appropriate penalty in this matter is revocation of the Respondent's license to practice medicine in the State of New York.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The First Specification of professional misconduct, defined in Educ. Law § 6530(9)(b), as set forth in the Statement of Charges is not sustained;
2. The Second Specification of professional misconduct, defined in Educ. Law § 6530(9)(d), as set forth in the Statement of Charges is sustained;
3. The Respondent's license to practice medicine in the State of New York is revoked; and
4. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York
January 12, 2024


Michael Iannuzzi, M.D., Chairperson
Ramanathan Raju, M.D.
JoAnn Marino, M.P.A., R.N.

Paul Tsui
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237

[REDACTED]

James A. Saadi, M.D.
[REDACTED]

IN THE MATTER
OF
JAMES A. SAADI, M.D.

STATEMENT
OF
CHARGES

James A. Saadi, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 1, 1980, by the issuance of license number 141146 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 6, 2022, the Board of Registration for the Healing Arts of the State of Missouri (hereinafter, "Missouri Board"), by an Order of Revocation in Default (hereinafter, "Missouri Order") inter alia, revoked the Respondent's Missouri physician and surgeon's license based upon a finding after a hearing that the Respondent failed to submit to a multidisciplinary competency examination through a Board approved provider within six months of a Missouri Board order finding reasonable cause exists to believe the Respondent is unable to practice the profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency and mental or physical incapacity.

B. The conduct resulting in the Missouri Board's disciplinary action against the Respondent would, if committed in New York State, constitute misconduct under New York state law pursuant to the following sections of New York state law:

1. New York Education Law §6530(15) (Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of §230 of the public health law);

2. New York Education Law §6530(29) (Violating any term of probation or condition or limitation imposed on the licensee pursuant to §230 of the public health law).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York State as alleged in the facts of the following:

1. The facts of Paragraphs A and B and B1, and/or B and B2.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise

surrendered the Respondent's 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 as alleged in the facts of the following:

2. The facts of Paragraphs A and B and B1, and/or B and B2.

DATE: November 22, 2023
Albany, New York


JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct