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

BPMC No. 25-055

IN THE MATTER

OF

AMIR SITAFALWALLA, M.D.

COMMISSIONER'S ORDER AND NOTICE OF HEARING

TO: AMIR SITAFALWALLA, M.D.
[redacted]

AMIR SITAFALWALLA, M.D.
c/o Howard Richman, Esq.
[redacted]
Grant Richman, PLLC
65 S Liberty Drive
Liberty Building, Rt 9W
Stony Point, NY 10980

The undersigned, James V. McDonald, M.D., M.P.H., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that AMIR SITAFALWALLA, M.D. (hereinafter: "Respondent"), New York medical license number 143513, is engaging in or maintaining a condition or activity which constitutes an imminent danger to the health of the people and that is therefore prejudicial to the interests of the people to delay action until the opportunity for a hearing can be provided.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12)(a), that effective immediately, Respondent shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12)(a).

Any practice of medicine in the State of New York in violation of this (Commissioner's) Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. This hearing will be conducted before a committee on professional conduct of the State Board for Professional Conduct on April 4, 2025 at 10:00 a.m. The hearing may be conducted by video conference or at the offices of the New York State Health Department, and at such other adjourned dates, times and places as the committee may direct. The Respondent my file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing, or by video conference if directed by the Administrative Law Judge, and may be represented by counsel who shall be an attorney admitted to practice in New York state. The Respondent has the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on his behalf in order to require the production of witnesses and documents, and the Respondent may cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center,150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. NATALIE J BORDEAUX, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require

detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
March 25, 2025

[redacted]

James V. McDonald, M.D., M.P.H.
Commissioner of Health
New York State Health Department

Inquiries should be directed to:

Marc S. Nash
Associate Counsel
N.Y.S. Department of Health
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Albany, New York 12237

(518) 473-4282
[redacted]

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IN THE MATTER

OF

AMIR SITAFALWALLA, M.D.

STATEMENT

OF

CHARGES

AMIR SITAFALWALLA, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 5, 1980, by the issuance of license number 143513 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 23, 2017, Respondent provided medical care to Patient A (patients are identified in the attached "Appendix A") at CityMD located at 42-01 Bell Boulevard, Bayside, New York 11361 for a physical for a job and STD testing. Respondent deviated from accepted standards of care, at this examination, by performing a prostate examination without permission; by asking Patient A questions about his personal life and sexual orientation; and by touching Patient A's penis without Patient A's permission and without medical justification.

B. On or about May 3, 2020 and May 21, 2020, Respondent provided medical care to Patient B at CityMD located at 42-01 Bell Boulevard, Bayside, New York 11361 for COVID screenings. On or about May 21, 2020, during Respondent's examination of Patient B, Respondent deviated from accepted standards of care by making

inappropriate and lewd sexual comments to Patient B and about Patient B's past sexual history; by telling Patient B that Respondent wanted to engage in sexual intercourse with him; by commenting on the size of Respondent's and Patient B's penis; by grabbing Patient B's penis in a way that would not be appropriate for a medical examination; by placing Patient B's hand on Respondent's erect penis; by Respondent, during a rectal examination, placing four of his fingers in Patient B's rectum; and by Respondent pulling down the mask from his own face and forcibly kissing Patient B.

C. On or about January 19, 2023 and January 27, 2023, Respondent provided medical care to Patient C at Modern MD Urgent Care, located at 8922 Jamaica Avenue, Queens, New York 11421, first for a sore throat, then for COVID testing. During the January 27, 2023 examination, Respondent deviated from accepted standards of care, by, without medical justification, pulling down Patient C's pants and manipulating Patient C's penis by squeezing it and trying to cause Patient C to become erect; by commenting that Respondent wished Respondent's penis was more like Patient C's penis which was a good penis; by Patient C pulling down his mask, and under the guise of checking the inside of Patient C's mouth, Respondent grabbing both sides of Patient C's head and kissing Patient C on the mouth.

D. On or about May 7, 2024 and on or about June 24, 2024, Respondent provided medical care to Patient D at Modern MD Urgent Care, located at 8922 Jamaica Avenue, Queens, New York 11421 for STD testing. During both examinations,

Respondent deviated from accepted standards of care, by, without medical justification, advising Patient D that he needed a prostate examination and that Respondent had to check Patient D's private area.

E. On or about August 14, 2024, Respondent provided medical care to Patient E at Modern MD Urgent Care located at 8922 Jamaica Avenue, Queens, New York 11421 for a skin irritation on the corner of the mouth and for STD testing. Respondent deviated from accepted standards of care by, without medical justification, rubbing Patient E's testicles and pulling the foreskin of Patient E's foreskin behind the head, all the while Respondent telling Patient E that he had a beautiful, good-looking penis; by causing Patient E to experience an unwanted erection, at which time Respondent asked Patient E how big his penis was when it is erect; and by Respondent, while holding Patient E's penis, attempting to put Patient E's penis in Patient E's boxer shorts, and asking if Patient E puts it down or up.

F. On or about September 24, 2024, Respondent filed a License Renewal for his New York medical license for the period of December 1, 2024 to November 30, 2026. In this renewal application, Respondent answered "no" to the question, "Since your last registration application, has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid the imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence?" Respondent's former employer, Modern MD, terminated Respondent's

employment on September 20, 2024. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

G. On or about July 27, 2021, Respondent filed an application for employment with Modern MD. In this employment application, Respondent answered "no" to the questions, "Has your professional license or registration ever been or is it currently being investigated, or have you ever been asked to appear before a licensing board or committee thereof? If so, what were the results?" and "Have you ever been notified of a complaint by a medical, professional society, or any licensing agency?" On or about March 19, 2021, CityMD received a complaint alleging Respondent sexually abused a patient. Respondent became aware of this complaint through a CityMD investigation which was confirmed in CityMD's April 29, 2021 termination letter to Respondent. The termination letter cited Respondent's employment was terminated following an investigation which took place between March 22, 2021 and April 28, 2021. In addition, on or about May 5, 2021, the Department of Health sent Respondent an interview letter which stated, "The Office of Professional Conduct (OPMC) within the New York State Department of Health is authorized to investigate instances or complaints of suspected professional medical conduct. OPMC is currently investigating your medical conduct." Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answers of "no" was false.

H. On or about July 27, 2021, Respondent filed an application for employment with Modern MD. In this employment application, Respondent answered "no" to the question, "Have you ever been notified of a complaint by a medical facility, professional society or association, or any other licensing agency?" On or about March 22, 2021 to on or about April 28, 2021, Respondent's employer, CityMD, investigated Respondent based on a March 19, 2021 complaint alleging Respondent sexually assaulted a patient. Respondent was aware of this investigation. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST THROUGH FIFTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

1. Paragraph A
2. Paragraph B
3. Paragraph C
4. Paragraph D
5. Paragraph E

FIFTH THROUGH TENTH SPECIFICATIONS

WILLFULLY HARASSING, ABUSING, OR INTIMIDATING A PATIENT

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530 (31) by willfully harassing, abusing, or intimidating a patient either physically or verbally as alleged in the facts of the following

6. Paragraph A
7. Paragraph B
8. Paragraph C
9. Paragraph D
10. Paragraph E

ELEVENTH THROUGH THIRTHEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

11. Paragraph F
12. Paragraph G
13. Paragraph H

FOURTHEENTH SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

14. Paragraph F

DATE: March 25, 2025
Albany, New York

[redacted]

JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct