



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

Paula Wilson  
Executive Deputy Commissioner

April 1, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Muneer Imam, M.D. 2 Union Avenue Center Moriches, New York 11934	Anthony Z. Scher, Esq. Wood & Scher The Harwood Building Scarsdale, New York 10583
Terrence Sheehan, Esq. New York State Department of Health Bureau of Professional Medical Conduct 5 Penn Plaza - Sixth Floor New York, New York 10001-1810	

**RE: In the Matter of Muneer Imam, M.D.**

Dear Dr. Imam, Mr. Scher and Mr. Sheehan:

Enclosed please find the Determination and Order (No. 818-88-01) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

*Tyrone T. Butler/nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X

IN THE MATTER : ADMINISTRATIVE  
OF : REVIEW BOARD  
MUNEER IMAM, M.D. : DETERMINATION  
: AND ORDER  
: ORDER NO. ARB-93-01

-----X

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.<sup>1</sup> held deliberations on March 8, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") January 5, 1993 Determination and Order finding Muneer Imam, M.D. guilty of professional misconduct, placing him on probation and ordering that he undergo re-training. James F. Horan, Esq. served as administrative officer to the Review Board. Both parties requested the review through Notices of Review received from the Department of Health on January 19, 1993 and from the Respondent on January 21, 1993. Anthony Z. Scher, Esq. submitted a Brief on behalf of Dr. Imam. Terrence Sheehan, Esq. submitted a Brief on behalf of the Office of Professional Medical Conduct (OPMC).

---

<sup>1</sup> At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991.

### SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

### HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct charged the Respondent with gross negligence, gross incompetence, negligence on more than one occasion, incompetence on more than one occasion and failure to maintain adequate records. The Hearing Committee sustained the charges of negligence on more than one occasion, incompetence on more than one occasion and failure to maintain adequate records. The Hearing Committee found the Respondent guilty of careless practice, lack of attention to detail and failure to appreciate the severity of patient illness.

The Hearing Committee found further, however, that the Respondent has potential for growth and rehabilitation. The

Hearing Committee voted to place the Respondent on probation with several terms. The Hearing Committee ordered that the Respondent:

- may continue his office practice;
- must obtain a monitor in all institutions in which he practices;
- may be required to visit members of the Board of Professional Medical Conduct; and
- shall undergo re-training.

The Hearing Committee ordered that the re-training shall consist of a preceptorship, on a part-time basis in internal medicine, of a duration to be determined by the preceptor with the approval of the Director of the Office of Professional Medical Conduct, but in no event less than six months and no longer than three and one-half years.

#### REQUESTS FOR REVIEW

The Department of Health argues that the Hearing Committee's penalty is inappropriate because the term "preceptor" is unclear. The Department of Health feels that the gravity of the Respondent's misconduct requires a one-year suspension and re-training in an established program such as the Physician Prescribed Education Program (PPEP) in Syracuse, New York.

The Respondent requests that the Review Board vacate certain conclusions of the Hearing Committee and modify the Hearing Committee's penalty. The Respondent notes that most of the charges sustained did not find the Respondent guilty of negligence or incompetence but were instead based upon record

keeping. The Respondent argues that the proper remedy in this case in which most of the misconduct involved record keeping is to dismiss the charges or in the alternative to impose a censure and reprimand.

#### REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes unanimously to sustain the Hearing Committee's Determination and Order that the Respondent is guilty of incompetence on more than one occasion, negligence on more than one occasion and failure to maintain adequate records. The Hearing Committee's findings are consistent with their conclusions.

The Review Board votes unanimously to sustain the Hearing Committee's Determination and Order to place the Respondent on probation and order that he undergo re-training, but we **modify** the Hearing Committee's specific plan for re-training because we find the provisions of the plan to be unclear.

The Hearing Committee has directed that the Respondent obtain a monitor at all institutions, but provides that he may continue his office practice without a monitor. The Review Board questions whether this will encourage the Respondent to abandon his practice in institutions and concentrate in an office practice in which he will have no monitor. The Hearing Committee's Determination and Order provides that the Respondent may be

required to visit members of the Board for Professional Medical Conduct, but the Hearing Committee's Determination and Order offers no explanation or directions for what should occur during those visits. The Hearing Committee has ordered that the Respondent undergo re-training under a preceptor on a part-time basis for an indeterminate period of time, but they have provided no guidance as to what should occur as part of the preceptorship. The Review Board also questions whether the Respondent would be able to obtain a preceptor in internal medicine in the location of his practice in Center Moriches in the far eastern region of Long Island.

The Review Board believes that the re-training the Hearing Committee has ordered the Respondent to undergo can take place in an established re-training program. The Review Board orders that the Respondent undergo re-training at the PPEP, Department of Family Medicine, SUNY Health Science Center at Syracuse, New York and the Department of Medical Education at St. Joseph's Hospital and Health Center, Syracuse, New York.<sup>2</sup>

The Respondent shall be on probation until he completes successfully the PPEP evaluation and re-training. After the Phase I evaluation in Syracuse, New York, the Respondent may complete any re-training necessary in Syracuse or at one of the hospitals in the New York City Metropolitan Region that are associated with PPEP. The Respondent shall submit to the Phase I Evaluation

---

<sup>2</sup> Department of Family Medicine, 479 Irving Avenue, No. 200, Syracuse, New York 13210.

within three months of the effective date of this Determination and Order and shall commence any necessary training within six months of the effective date of this Determination and Order, unless the delay in complying with the three-month or six-month time limitations are the fault of PPEP rather than of the Respondent. The Respondent's failure to comply with these time limitations, except where the failure is the fault of PPEP, or the Respondent's failure to comply with the provisions of any necessary re-training, shall constitute a violation of his probation and the Respondent's license shall immediately be suspended until he complies with the provisions of probation.



ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

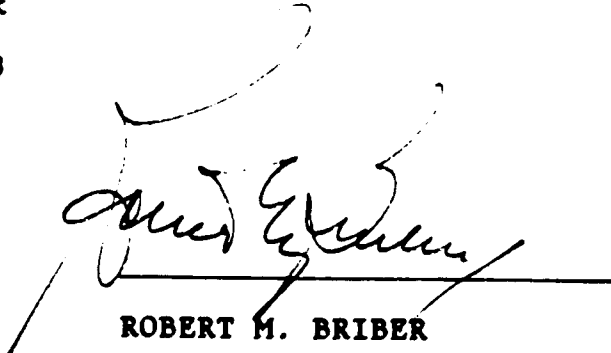
1. The January 5, 1993 Determination and Order of the Hearing Committee on Professional Medical Conduct finding Dr. Muneer Imam guilty of professional misconduct is sustained.
2. The Hearing Committee's Determination and Order placing the Respondent on probation and ordering that he undergo re-training is sustained except that the Hearing Committee's Order for re-training is modified. The Review Board orders that the Respondent undergo re-training at the PPEP in Syracuse, New York and places the Respondent on probation until he successfully complies with the provisions of the PPEP re-training as set out in this Determination.

**IN THE MATTER OF MUNEEER IMAM, M.D.**

**ROBERT M. BRIBER**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Muneer Imam, M.D.

**DATED: Albany, New York**

**March 27, 1993**



A handwritten signature in cursive script, appearing to read "Robert M. Briber", is written over a horizontal line. The signature is positioned to the right of the date.

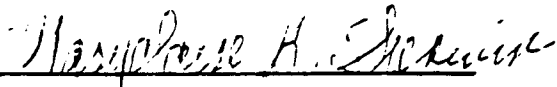
**ROBERT M. BRIBER**

**IN THE MATTER OF MUNEER IMAM, M.D.**

**MARYCLAIRE B. SHERWIN**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Muneer Imam, M.D.

**DATED: Albany, New York**

**March 27, 1993**

---

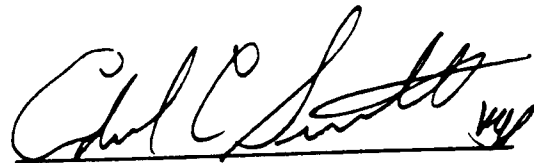
**MARYCLAIRE B. SHERWIN**

IN THE MATTER OF MUNEER IMAM, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Muneer Imam, M.D.

DATED: Albany, New York

March 27, 1993

A handwritten signature in black ink, appearing to read "Edward C. Sinnott", written over a horizontal line. The signature is cursive and includes a small flourish at the end.

EDWARD C. SINNOTT, M.D.

**IN THE MATTER OF MUNEER IMAM, M.D.**

**WILLIAM A. STEWART, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Muneer Imam, M.D.

**DATED: Albany, New York**

**March 27, 1993**

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in dark ink and is positioned above the printed name.

**WILLIAM A. STEWART, M.D.**