



# 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*

December 1, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Abraham Injeian, M.D.  
475 North 16th Street  
Yuma, Arizona 85364

Kevin P. Donovan, Esq.  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - 24th Floor  
Albany, New York 12237

**RE: In the Matter of ABRAHAM INJEIAN, M.D.**

Dear Dr. Injeian and Mr. Donovan:

Enclosed please find the Determination and Order (No. BPMC 93-197) of the Hearing Committee 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

New York State Department of Health  
Office of Professional Medical Conduct  
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 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 (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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.

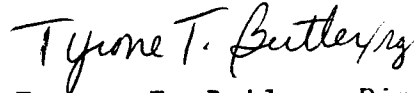
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

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 Mr. Horan 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.

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:rg  
Enclosure

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

-----X  
IN THE MATTER  
OF  
ABRAHAM INJEIAN, M.D.

: DETERMINATION  
: AND  
: ORDER  
: OF THE  
: HEARING COMMITTEE  
: ORDER NO.  
: BPMC-93-197  
-----X

A Notice of Hearing and Statement of Charges dated October 7, 1993 were served upon **ABRAHAM INJEIAN, M.D.** (hereinafter referred to as "Respondent"). The undersigned Hearing Committee consisting of **TERESA S. BRIGGS, M.D., Ph.D.**, Chairperson, **MICHAEL E. BERLOW, M.D.** and **MATTHEW CAMMEN**, was duly designated and appointed by the State Board for Professional Medical Conduct. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as Administrative Officer.

A hearing was conducted on November 17, 1993 pursuant to §230 (10)(e) of the Public Health Law and §301-307 and §401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of §6530 of the New York Education Law by Respondent. The hearing was held at the Offices of the New York State Department of Health, Corning Tower, Albany, New York.

The Department of Health appeared by Kevin P. Donovan, Esq., of counsel to Peter J. Millock, Esq., General Counsel. Respondent neither appeared in person nor by counsel.

Evidence was received and a transcript of this proceeding was made.

### STATEMENT OF CASE

The proceeding was brought pursuant to Public Health Law §230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of New York Education Law, §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law §6530(9)(d) in that he had his license suspended or other disciplinary action taken against his license, or he surrendered it voluntarily or otherwise after a disciplinary action was instituted by the duly authorized professional disciplinary agency of another state where the conduct resulting in the surrender would, if committed in New York State, constitute professional misconduct under the laws of New York State. The charges are more particularly set forth in the Notice of Referral Proceeding and

Statement of Charges which is attached to this Determination and Order (Appendix I).

### **SIGNIFICANT LEGAL RULINGS**

The Administrative Law Judge found that the State had made service upon Respondent pursuant to statute and that therefore, jurisdiction of Respondent had been established.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Conflicting evidence, if any, was considered and rejected.

1. Respondent, was authorized to practice medicine in New York State on October 16, 1969, by the issuance of license number 104931 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. Respondent's last known address is 475 North 16th Street, Yuma, Arizona 85364.

2. By order of the Board of Medical Examiners (BOMEX) of the State of Arizona dated January 22, 1993, Respondent agreed to the cancellation of his license to practice medicine in Arizona

and agreed that he would not reapply for licensure in Arizona for a period of at least 5 years.

3. As part of the cancellation, Respondent admitted that the Board could prove that he had committed conduct in violation of statutes related to the practice of medicine in Arizona, to wit: A.R.S. §32-1401(21)(r) in that he violated a formal order of probation issued by the BOMEX or its executive director; A.R.S. §32-1401(21)(e) in that he failed to maintain adequate medical records on a patient; and A.R.S. §32-1401(21)(s) in that violated or attempted to violate subsection (z) prohibiting sexual intimacies with a patient.

4. The conduct resulting in this loss of Respondent's license to practice medicine in Arizona, if committed in New York State, would constitute the following misconduct under the laws of New York, namely: violating any term of probation within the meaning of New York Education Law §6530(29) (McKinney Supp. 1993); failing to maintain adequate patient records within the meaning of Education Law §6530(32) (McKinney Supp. 1993); practicing the profession fraudulently within the meaning of New York Education Law §6530(2) (McKinney Supp. 1993); moral unfitness in the practice of medicine within the meaning of New York Education Law §6530(20) (McKinney Supp. 1993).

## CONCLUSIONS

The Committee finds that the State has met its burden of proof in this matter. The State has established that the State of Arizona cancelled Respondent's license to practice medicine. The State has also shown that the conduct which resulted in the action against Respondent's license, if committed in New York State, would constitute professional misconduct under the laws of New York State.

The Committee further finds that Respondent allowed his license in Arizona to be cancelled after that state instituted disciplinary action against him. The Committee finds that the term "cancellation" in this context is the same as the term "surrender" in New York State. Accordingly, the specification in this matter is sustained.

## DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions set forth above, finds that Respondent has committed professional misconduct in New York State. Respondent has chosen not to appear in this proceeding. The Admissions, by Respondent in Arizona, are to very serious acts. Respondent has offered no reason to interpose other than the most serious sanction.



**ORDER**

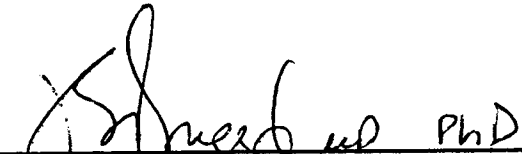
Based upon the foregoing it is hereby **ORDERED** that,

1. The specifications of professional misconduct contained in the Statement of Charges in this matter be

**SUSTAINED**; and

2. The license of Respondent to practice medicine in this state be **REVOKED**.

**DATED: Albany, New York**  
November 24, 1993

  
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**TERESA S. BRIGGS, M.D., Ph.D.**  
Chairperson

**MICHAEL E. BERLOW, M.D.**  
**MATTHEW M. CAMMEN**

**TO: Kevin P. Donovan, Esq.**  
Associate Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower  
Albany, N.Y.

**Abraham Injeian, M.D.**  
475 North 16th Street  
Yuma, Arizona 85364

**APPENDIX I**

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

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IN THE MATTER : STATEMENT  
OF : OF  
ABRAHAM INJEIAN, M.D. : CHARGES

-----X

ABRAHAM INJEIAN, M.D., the Respondent, was authorized to practice medicine in New York State on October 16, 1969, by the issuance of license number 104931 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. Respondent's last known address is 475 North 16th Street, Yuma, Arizona 85364.

FACTUAL ALLEGATIONS

A. By order of the Board of Medical Examiners (BOMEX) of the State of Arizona dated January 22, 1993, Respondent agreed to the cancellation of his license to practice medicine in Arizona and agreed that he would not reapply for licensure in Arizona for a period of at least 5 years; specifically, Respondent admitted that the Board could prove that he had committed conduct in violation of statutes related to the

practice of medicine in Arizona, to wit: A.R.S. §32-1401(21)(r) in that he violated a formal order of probation issued by the BOMEX or its executive director; A.R.S. §32-1401(21)(e) in that he failed to maintain adequate medical records on a patient; and A.R.S. §32-1401(21)(s) in that violated or attempted to violate subsection (z) prohibiting sexual intimacies with a patient.

B. The conduct resulting in this loss of Respondent's license to practice medicine in Arizona, if committed in New York State, would constitute the following misconduct under the laws of New York, namely: violating any term of probation within the meaning of New York Education Law §6530(29) (McKinney Supp. 1993); failing to maintain adequate patient records within the meaning of Education Law §6530(32)(McKinney Supp. 1993); practicing the profession fraudulently within the meaning of New York Education Law §6530(2)(McKinney Supp. 1993); moral unfitness in the practice of medicine within the meaning of New York Education Law §6530(20) (McKinney Supp. 1993).


#### SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of Education Law §6530(9)(d) (McKinney Supp. 1993) in that he had his license suspended or other disciplinary action taken against his license, or he surrendered it, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the

conduct resulting in the disciplinary action involving the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and B.

DATED: Albany, New York  
*October 7, 1993*

  
\_\_\_\_\_  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct

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

-----X  
: IN THE MATTER : NOTICE OF  
: OF : REFERRAL  
: ABRAHAM INJEIAN, M.D. : PROCEEDING  
: :  
-----X

TO: ABRAHAM INJEIAN, M.D.  
475 North 16th Street  
Yuma, Arizona 85364

DEPT. EXHIBIT #1  
FOR IDENTIFICATION  
LORA KAYE SAUCEDA, CSR, NP  
Nov. 17 1993

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 17th day of November at 2:15 o'clock in the afternoon of that day at the New York State Department of Health, Corning Tower, Bureau of Adjudication, Corning Tower, Room 2509, Empire State Plaza, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is

attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: Nancy Massaroni (henceforth "Bureau of Adjudication") as well as to the Department of Health attorney indicated below, on or before November 8, 1993.

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address

indicated above on or before November 8, 1993, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to The Administrative Law Judge at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.


The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE



TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR  
IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE  
URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN  
THIS MATTER.

DATED: Albany, New York  
*October 7, 1993*

  
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PETER D. VAN BUREN  
Bureau of Professional Medical  
Conduct

Inquiries should be addressed to:  
Kevin P. Donovan  
Assistant Counsel  
(518) 474-8266