



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

December 22, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place
433 River Street-4th Floor
Troy, New York 12180

Shaaban Azar-Farr, M.D.
15314 Devonshire Street #E
Mission Hills, CA 91345

RE: In the Matter of Shaaban Azar-Farr, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-355) 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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.

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.

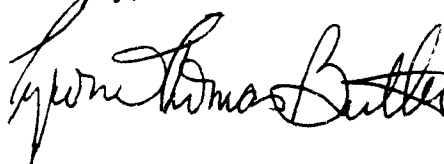
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

DECISION

AND

ORDER

BPMC-00-355

IN THE MATTER
OF
SHAABAN AZAR-FARR, M.D.

A Notice of Referral Proceeding and Statement of Charges, both dated, October 17, 2000, were served upon the Respondent, **SHAABAN AZAR-FARR, M.D.**

JERRY WAISMAN, M.D., Chairperson, **WALTER T. GILSDORF, M.D.** and **MR. IRVING S. CAPLAN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on December 13, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent did not appear, but he did submit documents which were admitted in evidence (See Respondent's Exhibit A).

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, 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 an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

| | |
|----------------------------|------|
| <u>For the Petitioner:</u> | None |
| <u>For the Respondent:</u> | None |

FINDINGS OF FACT

The following Findings Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **SHAABAN AZAR-FARR, MD.**, the Respondent, was authorized to practice medicine in New York State on December 16, 1977, by the issuance of license number 133298 by the New York State Education Department. (Pet's. Ex. 4)
2. On August 12, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by an Agreement (hereinafter "California Agreement"), required Respondent to pay \$1,000.00 investigative costs; enroll in and successfully complete a PACE program; and issued him a Public Letter of Reprimand based on failure to maintain adequate and accurate records. (Pet's. Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the California Board's disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to:

- New York Education Law §6530(32) (failure to maintain accurate records).

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by reason of having had disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case indicates that the Medical Board of California reprimanded the Respondent and required him to pay \$1,000.00 investigative costs and enroll in and successfully complete a PACE program, based on his failure to maintain adequate and accurate records.

The Hearing Committee is not aware of any evidence in the record that would suggest that it should consider imposing a more severe penalty on the Respondent than did the State of California.

The Hearing Committee determines that the Respondent should be CENSURED AND REPRIMANDED.

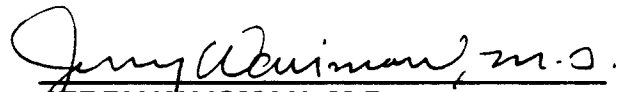
ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is CENSURED AND REPRIMANDED.

2. This **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified mail.

DATED: New York, New York
12-22, 2000


JERRY WAISMAN, M.D.,
Chairperson

WALTER T. GILSDORF, M.D.
MR. IRVING S. CAPLAN

APPENDIX I

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

IN THE MATTER
OF
SHAABAN AZAR - FARR, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: SHAABAN AZAR - FARR, M.D.
15314 Devonshire St. # E
Mission Hills, CA 91345

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15th day of November, 2000, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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.

EXHIBIT

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

Oct. 17, 2000



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
SHAABAN AZAR-FARR, M.D.

STATEMENT
OF
CHARGES

SHAABAN AZAR-FARR, M.D., the Respondent, was authorized to practice medicine in New York state on December 16, 1977, by the issuance of license number 133298 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 12, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by an Agreement (hereinafter "California Agreement"), required Respondent to pay \$1,000.00 investigative costs and enroll in and successfully complete a PACE program, and issued him a Public Letter of Reprimand based on failure to maintain adequate and accurate records.

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

1. New York Education Law §6530(32) (failure to maintain accurate records).

SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by reason of having had disciplinary action taken after a disciplinary action was issued by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action 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/or B.

DATED: *Oct 17*, 2000
Albany, New York



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