



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.Dr..P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

April 19, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Faiz Kashan, M.D.
3 East 68th Street, #1H
New York, New York 10221

RE: License No. 102385

Dear Dr. Kashan:

Enclosed please find Order #BPMC 02-H3 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 19, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is stylized with a large initial "A" and a long, sweeping underline.

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
FAIZ KASHAN, M.D.

CONSENT

ORDER

BPMC No. 02-113

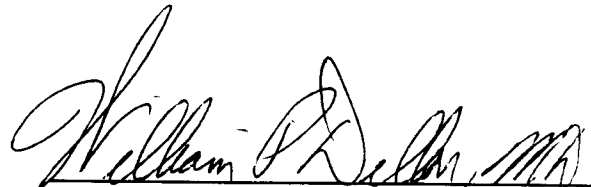
Upon the proposed agreement of Faiz Kashan, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4/17/02



WILLIAM P. DILLON, M.D.

Chair

State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
FAIZ KASHAN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

FAIZ KASHAN, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 10, 1968, I was licensed to practice as a physician in the State of New York, and issued License No. 102385 by the New York State Education Department.

My current address is 3 East 68th Street, 1H, New York, N.Y. 10021, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the Second Specification, in full satisfaction of the charges against me, and agree to the following penalty:

I shall be subject to a Censure and Reprimand, pursuant to §230-a(1), and a fine in the amount of \$10,000, pursuant to §230-a(7) and (9) of the Public Health Law, to be paid within 30 days of the effective date of this order.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.


I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 3/26/2002


FAY KASHAN, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: _____

ESQ.
Attorney for Respondent

DATE: April 4, 2002



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: April 16, 2002



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
FAIZ KASHAN, M.D.**

**STATEMENT
OF
CHARGES**

FAIZ KASHAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 10, 1968, by the issuance of license number 102385 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During the period between September 1969 and October 17, 1996, Respondent gave inaccurate responses on re-applications for staff privileges he filed with Doctors Hospital, New York, N.Y. and Bronx Lebanon Hospital Center, Bronx, N.Y.
1. Respondent knowingly gave inaccurate responses.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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:

1. Paragraph A and A.1.

SECOND SPECIFICATION

VIOLATION OF PUBLIC HEALTH LAW SECTION 2805-k

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(14) by having violated Pub. Health Law Section 2805-k, as alleged in the facts of:

2. Paragraph A.

DATED: March , 2002
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct