



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 16, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mehdi Nabavi, M.D.
1202 S. Washington Street
Apartment #324
Alexandria, Virginia 22314

RE: License No. 105759

Dear Dr. Nabavi:

Enclosed please find Order #BPMC 98-140 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 23, 1998.**

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

Sincerely,

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

Enclosure

cc: Anthony Benigno, Esq.

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

-----X

IN THE MATTER	:	SURRENDER
OF	:	ORDER
MEHDI NABAVI, M.D.	:	BPMC # 98-140
	:	

-----X

MEHDI NABAVI, M.D., says:

On or about March 30, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 105759 by the New York State Education Department.

My current address is 1202 S. Washington Street, Apt. #324, Alexandria, VA 22314 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.


I hereby agree not to contest the allegations and one specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or

manner.

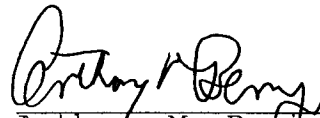

MEHDI NABAVI, M.D.
Respondent 7/5/98

AGREED TO:

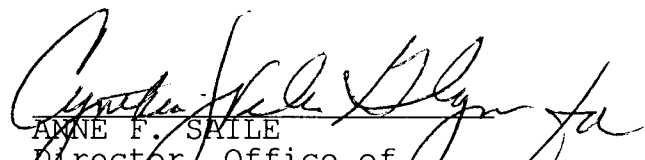
Date: _____, 1998

Esq.
Attorney for Respondent

Date: July 7, 1998


Anthony M. Benigno
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 7/8/98, 1998


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

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

-----X
IN THE MATTER : SURRENDER
OF : ORDER
MEDHI NABAVI, M.D. : BPMC #
:
-----X


Upon the proposed agreement of MEDHI NABAVI, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: July 11, 1998


PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MEHDI NABAVI, M.D. : CHARGES

-----X

MEHDI NABAVI, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 30, 1970 by issuance of license number 105759 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On or about October 23, 1997 the New York State Board for Professional Medical Conduct issued Consent Order #BPMC 97-262, hereto attached as Exhibit 1, wherein Mehdi Nabavi, M.D., Respondent, did not contest the two specifications of professional misconduct and received a two year suspension. The Consent Order imposed a condition requiring him to maintain current registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition became effective thirty days after the effective date of the Consent Order and continues until the full term of the Order has run. Respondent stipulated in the Consent Order that, "any failure by me to comply with such condition shall constitute misconduct as defined

by New York State Education Law section 6530(29) (McKinney Supp 1997)." (Consent Order p. 2). Despite three reminder letters from the Office of Professional Medical Conduct physician monitoring program dated November 19, 1997, February 11, 1998 and March 24, 1998, Respondent has failed to maintain current New York license registration as a physician.

FIRST SPECIFICATION

HAVING VIOLATED A CONDITION IMPOSED BY PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law section 6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #97-262, in that Petitioner charges:

1. The facts in paragraph 1.

DATED: _____, 1998
Albany, New York

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

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

IN THE MATTER
OF
MEHDI NABAVI, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #97-262

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Mehdi Nabavi, M.D., being duly sworn, deposes and says:

That on or about March 30, 1970, I was licensed to practice as a physician in the State of New York, having been issued License No. 105759 by the New York State Education Department.

My current address is 1202 South Washington Road, Alexandria, Virginia 22314, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct intends to charge me with one specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof and marked as Exhibit "A".

I agree not to contest the allegation set forth in the charges in full satisfaction of the Statement of Charges. I hereby agree to the following penalty:

Two Years suspension of my New York State medical licence,
such suspension to be fully stayed.

I further agree that the Consent Order for which I hereby apply
shall impose a condition that, except during periods of actual

suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the two year stayed suspension has run. I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not unc

duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


Mehdi Nabavi, M.D.
RESPONDENT

Sworn to before me this

29th day of September, 1997



NOTARY PUBLIC

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

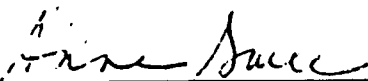
DATE: _____

Attorney for Respondent

DATE: 10/6/97


Jean Bresler
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 10/20/97


ANNE F. SAILE
Director
Office of Professional
Medical Conduct
Medical Conduct

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

IN THE MATTER
OF
MEHDI NABAVI, M.D.

CONSENT
ORDER


Upon the proposed agreement of Mehdi Nabavi, 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 take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 10/23/97


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
MEHDI NABAVI, M.D.

STATEMENT
OF
CHARGES

MEHDI NABAVI, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 30, 1970, by the issuance of license number 105759 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 2, 1993, Respondent was charged by the Government of The District of Columbia, Department of Consumer Affairs, Board of Medicine, pursuant to Charge I and 11, with having been disciplined by a disciplinary authority for conduct that would be grounds for disciplinary action under D.C. code § 2-3305.14(a) (25) and § 33-514 (a) (1) , for which the D.C. Board may take action pursuant to D.C. code §2-3305.14 (a) (3), in that on or about February 5, 1992 Respondent received a censure by the Virginia Board of Medicine based on its finding that Respondent purchased controlled substances and distributed them to family members outside a bona-fide physician Patient relationship. Respondent was disciplined in New York State, on or about June 14, 1995, for the above referenced conduct in Virginia, by BPMC Consent Order #95-127. He ~~reviewed~~ *received* the penalty of censure and reprimand.
- B. On or about June 2, 1993, Respondent was also charged by the D.C. Board pursuant to charge III with violating D.C. code § 2-3305.14 (a)(24), and § 2 3310.4(a), in that on or about November 3, 1992, Respondent submitted a

renewal application to the District of Columbia Board of Medicine and answered "No" to the question in said application which stated, "Has any authority taken adverse action against your license or privileges, or informed you of any pending charges not previously reported to the Board?" n in fact Respondent knew or should have known of the action taken by the Virginia Board of Medicine in its order of February 5, 1992.

- C. On or about December 20, 1995, Respondent pled Guilty to all charges and entered into a consent order with the District of Columbia Medical Board whereby he was reprimanded and placed on probation for a period of one year, and he was required to inform the District of Columbia Board if he established a practice in the District of Columbia.

SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(1) and or 6530(21) as alleged in the facts of the following:

1. Paragraphs B and C

SPECIFICATION
HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1997) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530(1), and or (2) and or 6530(21)) as alleged in the facts of the following:

1. Paragraphs B and C

DATED: August , 1997.
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct