



STATE OF NEW YORK DEPARTMENT OF HEALTH

Office of Public Health

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

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

Karen Schimke
Executive Deputy Commissioner

July 11, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Daniel Guenzburger, Esq.
Assistant Counsel
NYS Department of Health
5 Penn Plaza-Sixth Floor
New York, New York 10001

Saladin Abdu Nafi, M.D.
96 Hamilton Street
Paterson, New Jersey 07504

RE: In the Matter of Saladin Abdu Nafi, M.D.

Effective Date: 07/18/95

Dear Mr. Guenzburger and Dr. Nafi :

Enclosed please find the Determination and Order (No. 95-145) 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.

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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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

RECEIVED
JUL 11 1995
MEDICAL CONDUCT

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 (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.

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.

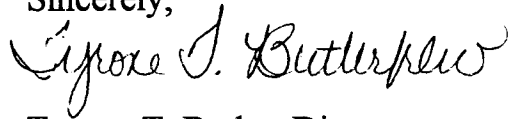
The notice of review served on the Administrative Review Board should be forwarded to:

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

Sincerely,

A handwritten signature in cursive script, reading "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

IN THE MATTER
-OF-
SALADIN ABDU NAFI, M.D.

Respondent

DECISION
AND
ORDER
OF THE
HEARING
COMMITTEE
BPMC ORDER NO. 95-145

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated April 5, 1995 which were served upon **SALADIN ABDU NAFI, M.D.**, (hereinafter referred to as "Respondent") at his last known address. **An amended Statement of Charges, dated June 14, 1995, was also served upon Respondent. JACK SCHNEE, M.D., Chairperson, F. MICHAEL JACOBIOUS, M.D., and PETER D. KUEMMEL, RPA,** 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. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on June 29, 1995 at the offices of the New York State Department of Health (hereinafter referred to as "The Department"), 5 Penn Plaza, New York, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **DANIEL GUNZBERGER, ESQ.**, Assistant Counsel, Bureau of Professional Medical Conduct. Respondent made no appearance whatsoever. Evidence was received. Legal arguments were heard. A transcript of these proceedings was made.

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

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9)(a)(i). In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this 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, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9)(d) (disciplinary action taken by the authorized disciplinary agency of another state, where the conduct resulting in the discipline would amount to misconduct in this state). The charge herein arises from a Consent Agreement between Respondent and the New Jersey Board of Medical Examiners. The Consent Agreement was based upon a finding that Respondent was a substance abuser. The allegations in this proceeding and the underlying decision by the New Jersey authorities are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

FINDINGS OF FACT

The Committee adopts the factual statement set forth on page one of the Amended Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

CONCLUSIONS

Respondent in this action did not appear. He has been found by a bordering state to have significant substance abuse problems. He was given an opportunity to rehabilitate himself and relapsed. It therefore follows that Respondent represents too great a risk to the public to be allowed to enjoy the privileges of a license to practice medicine in this state.

Given the above findings and the failure of Respondent to make any meaningful effort to participate in this proceeding, Revocation is the only appropriate remedy.

ORDER

WHEREFORE, Based upon the forgoing facts and conclusions,

IT IS HEREBY ORDERED THAT:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**.
Furthermore, it is hereby **ORDERED** that;


2. The Specifications of Misconduct contained within the Amended Statement of Charges (Appendix One) are **SUSTAINED**:
Furthermore, it is hereby **ORDERED** that;

3. Respondent's license to practice medicine in this state is **REVOKED**
Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **THIRTY (30) DAYS** after service of this order by personal service or Certified Mail, upon Respondent.

Dated:
New York, New York

July 10, 1995



JACK SCHNEE, M.D., Chairperson

F. MICHAEL JACOBIOUS, M.D.
PETER D. KUEMMEL, RPA

TO: DANIEL GUNZBERGER, ESQ.
Assistant Counsel
Bureau of Professional Medical Conduct
New York State Department of Health
5 Penn Plaza
New York, New York 10001

SALADIN ABDU NAFI, M.D.
96 Hamilton St.
Paterson N.J. 07504

APPENDIX ONE

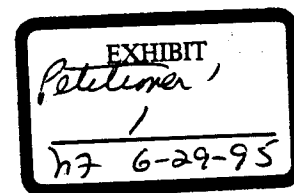
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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SALADIN ABDU NAFI, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: SALADIN ABDU NAFI, M.D.
96 Hamilton Street
Paterson, New Jersey 075054



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1995) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1995). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on May 10, 1995, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

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, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §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 Bureau of Adjudication, 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: New York, New York
April 5, 1995


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

DANIEL GUENZBURGER
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2617

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

IN THE MATTER
OF
SALADIN ABDU NAFI, M.D.

STATEMENT
OF
CHARGES

Saladin Abdu Nafi, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 2, 1979, by the issuance of license number ~~140574~~ ¹⁴⁰⁵⁷⁴ by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 9, 1990, the Respondent entered into a Consent Order with the New Jersey Board of Medical Examiners ("Board") in which he admitted to violating N.J.S.A. § 45:9-16(d)(1993). A person violates the aforementioned statute when he has demonstrated drug or alcohol use which impairs his ability to practice with reasonable skill or safety. The Board found that Respondent had an extended history of cocaine abuse, including periods of treatment, abstinence and relapse, and that he had relapsed on or about April 1990. The Respondent surrendered his license and was precluded from applying for reinstatement of the license for a period of 6 months. On or about October 28, 1994 the Respondent entered into a second Consent Order with the Board in which he admitted that on or about September 10, 1994 he had relapsed. Respondent surrendered his license and was precluded from applying for reinstatement of the license for a minimum of two years. The conduct for which Respondent was disciplined in New Jersey, if committed in New York State, would have constituted professional misconduct under N.Y. Educ. Law §6530(8) ("Habitual use of drugs").

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HABITUAL USE OF DRUGS

Respondent is charged with professional misconduct with the meaning of N.Y. Educ. Law §6530(8) (McKinney Supp. 1995), by being an habitual user of drugs, in that Petitioner charges:

1. The facts in paragraphs A.

DATED: April 5, 1995
New York, New York


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

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

IN THE MATTER
OF
SALADIN ABDU NAFI, M.D.

AMENDED
STATEMENT OF
CHARGES

Saladin Abdu Nafi, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 2, 1979, by the issuance of license number 140754
140574
by the New York State Education Department.

FACTUAL ALLEGATIONS

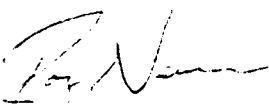
- A. On or about August 9, 1990, the Respondent entered into a Consent Order with the New Jersey Board of Medical Examiners ("Board") in which he admitted to violating N.J.S.A. § 45:9-16(d)(1993). A person violates the aforementioned statute when he has demonstrated drug or alcohol use which impairs his ability to practice with reasonable skill or safety. The Board found that Respondent had an extended history of cocaine abuse, including periods of treatment, abstinence and relapse, and that he had relapsed on or about April 1990. The Respondent surrendered his license and was precluded from applying for reinstatement of the license for a period of 6 months. On or about October 28, 1994 the Respondent entered into a second Consent Order with the Board in which he admitted that on or about September 10, 1994 he had relapsed. Respondent surrendered his license and was precluded from applying for reinstatement of the license for a minimum of two years. The conduct for which Respondent was disciplined in New Jersey, if committed in New York State, would have constituted professional misconduct under N.Y. Educ. Law §6530(8) ("Habitual use of drugs").

SPECIFICATION OF CHARGES
FIRST SPECIFICATION
OUT OF STATE DISCIPLINARY ACTION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b) (McKinney Supp. 1995), in that he has been found guilty of improper professional practice or professional misconduct 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.

DATED: June 14, 1995
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct