



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen  
*Executive Deputy Commissioner*

March 19, 1999

**PUBLIC**

Mr. Robert Bentley, Director  
Division of Professional Licensing Services  
New York State Education Department  
Cultural Education Center  
Empire State Plaza  
Albany, NY 12230

RE: Naveed Noor-Khan, M.D.  
NYS License No. 204137

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Noor-Khan's right to practice medicine in the State of New York. This Order was served on Dr. Noor-Khan on March 18, 1999, and is in effect for 90 days from the date of service.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile  
Director  
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

-----X

IN THE MATTER : COMMISSIONER'S  
OF : ORDER AND  
NAVEED NOOR-KHAN, M.D. : NOTICE OF HEARING

-----X

TO: Naveed Noor-Khan  
3975 North Everett Avenue  
Bemus Point, New York 14712

The undersigned, Dennis P. Whalen, Executive Deputy Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by Naveed Noor-Khan, the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12), that effective immediately Naveed Noor-Khan, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of

the State Board for Professional Medical Conduct on the 23rd day of March, 1999 at 10 a.m. at The Ramada Inn, 48 Freeman Raod, Williamsville, New York 14221 and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

. At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of

Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW  
YORK PUBLIC HEALTH LAW SECTION 230-a. YOU  
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: Albany, New York

3-17 , 1999



DENNIS P. WHALEN  
Executive Deputy Commissioner

Inquiries should be directed to:

Wayne E. Olinzock  
Assistant Counsel  
NYS Department of Health

Division of Legal Affairs  
Corning Tower Building  
Room 2509  
Empire State Plaza  
Albany, New York 12237-0032  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
NAVEED NOOR-KHAN, M.D. : CHARGES

-----X

NAVEED NOOR-KHAN, M.D., the Respondent, was authorized to practice medicine in New York State on October 5, 1995 by the issuance of a three year limited license number 000223. Respondent was subsequently issued unrestricted license number 204137 by the New York State Education Department on August 13, 1996.

FACTUAL ALLEGATIONS

A. Respondent provided medical care and treatment to Patient A (patients are identified in the Appendix), a then fifty-nine year old female, at medical offices located at 21 East Main Street, Cuba, New York, from approximately August 4, 1998 through approximately September 3, 1998.

1. Respondent, during an office visit on or about September 3, 1998 engaged in the following conduct:
  - a. Respondent failed to offer a gown and/or draping to Patient A.
  - b. Respondent had Patient A remove her top and, while Respondent massaged Patient A's neck, told her to "Relax, relax, think of something relaxing, think of sex", or words to such effect.
  - c. Respondent then asked Patient A, "What are you thinking about?" or words to such effect and then continued to inquire as to what Patient A was

thinking.

- d. Respondent unhooked and removed Patient A's bra.
  - e. Respondent, while Patient A was naked from the waist up, began to massage her neck again.
  - f. Respondent told Patient A, "You need to tell me what you are thinking. It's very important", or words to such effect.
  - g. Respondent, while Patient A was on her back on the examination table, took Patient A's breasts in his hands and massaged her breasts and/or put his fingers around her nipples.
  - h. Respondent, after Patient A had dressed, said to her, "You really need to tell me what you were thinking. If it's embarrassing you can write it to me", or words to such effect.
2. Respondent, in his medical records for Patient A's office visit on September 3, 1998, failed to record his contact with Patient A's breasts, when in fact Respondent had contact with Patient A's breasts, and Respondent knew such fact.

B. Respondent provided medical care to Patient B, a then thirty-six year old female, at medical offices located at 21 East Main Street, Cuba, New York, from on or about 1997 to on or about April 24, 1998.

1. Respondent, during an office visit on or about August 18, 1997, engaged in the following conduct:
  - a. Respondent failed to offer a gown and/or draping to Patient B.
  - b. Respondent told Patient B to remove her clothing from the waist down and stayed in the examination room while she undressed.
  - c. Respondent failed to perform an adequate and/or appropriate exam in response to Pt B's complaints of burning and itching in her vaginal area.
  - d. Respondent stayed in the examination room while Patient B dressed.
2. Respondent, during an office visit on or about October 21, 1997, engaged in the following conduct:

- a. Respondent failed to offer a gown and/or draping to Patient B.
- b. Respondent told Patient B to take off everything from the waist down and stayed in the room while Patient B undressed.
- c. Respondent, with Patient B naked from the waist down and standing bent over the examination table, came behind Patient B and pressed the front of his body into the back of hers.
- d. Respondent, while Patient B was completely naked and face down on the examination table, massaged Patient B's back and/or buttocks.
- e. Respondent asked Patient B if her husband rubbed her back or words to such effect and told Patient B "It will make you feel better. It loosens you up", or words to such effect.
- f. Respondent then, while massaging Patient B's back and/or buttocks, asked Patient B if she felt better.
- g. Respondent, when Patient B replied that she was not feeling better, again asked if her husband rubbed her, or words to such effect.
- h. Respondent remained in the examination room while Patient B got dressed.

C. Respondent provided medical care to Patient C, a then 42 year old female, at medical offices located at 601 Union Street, Olean, New York from on or about March 25, 1998 until on or about April 29, 1998.

1. Respondent, during an office visit on or about April 8, 1998, engaged in the following conduct:
  - a. Respondent failed to offer a gown and/or draping to Patient c.
  - b. Respondent unhooked and removed Patient C's bra.
  - c. Respondent leaned into the back of Patient C's body with the front of his body and reached around with his hands and touched her breasts and/or under her arms.
  - d. Respondent asked Patient C if she was sexually



active. When Patient A stated that she hadn't had sex in years Respondent asked, "Is it because you can't find a nice guy or what?", or words to such effect.

2. Respondent, during an office visit on or about April 29, 1998, engaged in the following conduct:
  - a. Respondent failed to offer a gown and/or draping to Patient C.
  - b. Respondent unhooked and removed Patient C's bra.
  - c. Respondent had Patient C lie down on the examination table and touched her breasts.
  - d. Respondent stayed in the examination room while Patient C dressed
3. Respondent, during Patient C's office visits on or about April 8, 1998 and/or April 29, 1998, touched Patient A's breasts without adequate medical justification.
4. Respondent, in his medical records for Patient C's office visits on April 8, 1998 and April 29, 1998, failed to record his contact with Patient C's breasts, when in fact Respondent had contact with Patient C's breasts during said office visits, and Respondent knew such facts.

#### SPECIFICATION OF CHARGES

##### FIRST THROUGH THIRD SPECIFICATIONS

##### MORAL UNFITNESS

Respondent is charged with professional misconduct by reason of his committing conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20) in that Petitioner charges:

1. The facts in Paragraphs A and A.1(a), A.1(b), A.1(c), A.1(d), A.1(e), A.1(f), A.1(g), A.1(h) and/or A.2.
2. The facts in Paragraphs B and B.1(a), B.1(b), B.1(c), B.1(d), B and B.2(a), B.2(b), B.2(c), B.2(d), B.2(e), B.2(f), B.2(g) and/or B.2(h).
3. The facts in Paragraphs C and C.1(a), C.1(b), C.1(c),

C.1(d), C and C.2(a), C.2(b), C.2(c), C.2(d), C.3 and/or C.4.

FOURTH THROUGH SIXTH SPECIFICATIONS

PHYSICALLY OR VERBALLY  
HARASSING, ABUSING OR INTIMIDATING  
A PATIENT

Respondent is charged with professional misconduct by reason of his willfully harassing, abusing or intimidating a patient either physically or verbally, in violation of New York Education Law §6530(31), in that Petitioner charges:

4. The facts in Paragraphs A and A.1(a), A.1(b), A.1(c), A.1(d), A.1(e), A.1(f), A.1(g) and/or A.1(h).
5. The facts in Paragraphs B and B.1(a), B.1(b), B.1(c), B.1(d), B and B.2(a), B.2(b), B.2(c), B.2(d), B.2(e), B.2(f), B.2(g) and/or B.2(h).
6. The facts in Paragraphs C and C.1(a), C.1(b), C.1(c), C.1(d), C and C.2(a), C.2(b), C.2(c), C.2(d) and/or C.3.


SEVENTH AND EIGHTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with professional misconduct by reason of his practicing medicine fraudulently in violation of New York Education Law §6530(2) in that Petitioner charges:

7. The facts in Paragraphs A and A.2
8. The facts in Paragraphs C and C.4

DATED: *March 17*, 1999  
Albany, New York

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