



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.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

PUBLIC

January 31, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Ameera T. Ahamed, M.D.
55 Johnson Road
Somerset, New Jersey 08873

RE: In the Matter of Ameera T. Ahamed, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-25) 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.

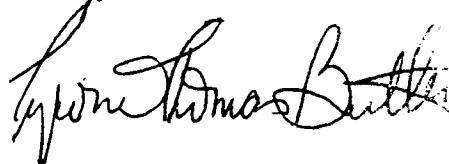
The notice of review served on the Administrative Review Board should be forwarded to:

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 long, sweeping underline.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC-00-25

IN THE MATTER
OF
AMEERA T. AHAMED, M.D.

A Notice of Referral Proceedings and Statement of Charges, both dated December 21, 1999 were served upon the Respondent **AMEERA T. AHAMED, M.D.**

TERESA BRIGGS, M.D., M.P.H., Chairperson, **JAMES ROBERSON, M.D.** and **TRENA DEFRANCO**, duly designed 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 January 19-20, 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 **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent did not personally appear at the hearing, but she did participate in a telephone conference call with the Hearing Committee on January 20, 2000, and faxed Respondent's Exhibits A and B to the Hearing Committee for their consideration.

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 charge with professional misconduct pursuant to Education Law Section 6530(9)(a) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

The following Findings of 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. **AMEERA T. AHAMED, M.D.**, the Respondent, was authorized to practice medicine in New York State on March 25, 1983 by the issuance of license number 160589 by the New York State Education Department. (Pet's. Ex. 4)

2. On October 26, 1998, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter, "New Jersey Board"), filed a Final Order, (hereinafter "New Jersey Order"), that suspended Respondent's license for one (1) year, all but one (1) month was stayed, placed her on five (5) years probation, imposed a \$2,000.00 civil penalty and required her to take a PROBE course, based on Respondent having given gifts of \$250.00 and \$500.00 to an employee of the State Division of Disability Determination who was responsible for monitoring the setting up of Respondent's office to perform independent medical examinations as a consultant to the Division, and thereafter, having denied the fact at a Preliminary Evaluation Committee appearance. (Pet's. Ex. 5)

3. The record also indicates that within days of her Preliminary Evaluations Committee appearance and prior to the time the matter was reviewed by the "New Jersey Board", the Respondent acknowledged that she had indeed given envelopes containing cards and a total of \$750.00 in cash to the DDS employee as described above. The Respondent denied that she intended in any way to influence the employee in performing her job responsibilities, and claims that she intended to express gratitude for the kindness and encouragement of the employee, and to help the employee who was experiencing personal problems. (Pet's. Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The conduct resulting in the New Jersey Board's disciplinary action against the Respondent would constitute misconduct under the laws of New York state.

VOTE OF THE HEARING COMMITTEE **(All votes were unanimous unless otherwise specified)**

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of her having violated New York State Education Law §6530(9)(b) by reason of 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.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of her having violated New York State Education §6530(9)(d) by reason of her having had disciplinary action taken against her 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 evidence in this case indicates that the Respondent gave gifts of \$250.00 and \$500.00 to an employee of the New Jersey State Division of Disability Determination who was responsible for monitoring the setting up of the Respondent's office to perform independent medical examinations as a consultant to the Division, and, thereafter denied the fact at the Preliminary Evaluation Committee appearance.

The evidence also indicates that within days of her Preliminary Evaluation appearance and prior to the time the matter was reviewed by the New Jersey Board of Medial Examiners, she acknowledged that she had indeed given the gifts, but denied they were bribes but were intended to express gratitude for kindness and encouragement and to help the employee who was experiencing personal problems.

This hearing was scheduled to be heard on January 19, 2000, and in fact the hearing process was started on that date. However, the proceedings were adjourned to the following day when the Respondent, at the last minute, contacted the Petitioner and advised that she wished to testify via telephone.

The Respondent, testifying via telephone on January 20, 2000, repeated her denials that the gifts in question were bribes, but were intended as expressions of gratitude.

The Hearing Committee was not convinced by the Respondent's explanation concerning this episode.

Based on a review of the entire record in this matter the Hearing Committee determines unanimously, (3-0), that the Respondent's license to practice medicine in the state of New York should be SUSPENDED as hereinafter specified in the ORDER.

ORDER

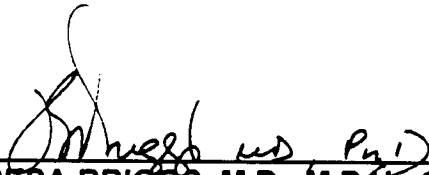
IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby **SUSPENDED** for a period to coincide with the probation period imposed by the New Jersey Board of Medical Examiners.
2. In order for the Respondent to have her New York State medical license restored she must submit to the Office of Professional Medical Conduct evidence that she has satisfactorily fulfilled all of the terms of her New Jersey probation and that her New Jersey medical license has been fully restored.
3. If, at some future date, the Respondent chooses to return to practice in New York she must:
 - Provide ninety days prior notice concerning her return to the Office of Professional Medical Conduct,
 - include with the notice proof that her license remains in good standing in all states where she maintains a license; and
 - provide information concerning this disciplinary action to any New York hospital at which she applies for privileges and/or employment.

4. This Order shall be effective upon service on the Respondent or Respondent's Attorney by personal service or by certified or registered mail.

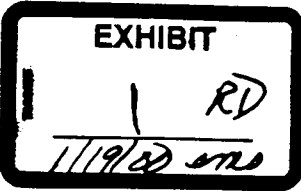
DATED: *Albany* New York

Jan 24, 2000


TERESA BRIGGS, M.D., M.P.H., Chairperson
DnD

JAMES ROBERSON, M.D.
TRENA DEFRANCO

APPENDIX I



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

**IN THE MATTER
OF
AMEERA T. AHAMED, M.D.**

NOTICE
OF
REFERRAL
PROCEEDING

TO: AMEERA T. AHAMED, M.D.
55 Johnson Road
Somerset, New Jersey 08873

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 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 19th day of January, 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.

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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before January 10, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before January 10, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. 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 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: Albany, New York
December 21, 1999



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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street
Suite 303
Troy, NY 12180
(518)402-0820

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

-----X

IN THE MATTER
OF
AMEERA T. AHAMED, M.D.

STATEMENT
OF
CHARGES

-----X

AMEERA T. AHAMED, M.D., the Respondent, was authorized to practice medicine in New York state on March 25, 1983, by the issuance of license number 153680 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 26, 1998, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter, "New Jersey Board"), filed a Final Order, (hereinafter "New Jersey Order"), that suspended Respondent's license for one (1) year, all but one (1) month was stayed, placed her on five (5) years probation, imposed a \$2,000.00 civil penalty and required her to take a PROBE course, based on Respondent having given gifts of \$250.00 and \$500.00 to an employee of the State Division of Disability Determination who was responsible for monitoring the setting up of Respondent's office to perform IMEs as a consultant to the Division, and, thereafter, having denied the fact at a Preliminary Evaluation Committee appearance.

B. The conduct resulting in the New Jersey 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 (2) (practicing the profession fraudulently);
2. New York Education Law §6530 (16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
3. New York Education Law §6530(21) (willfully making or filing a false report).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of her having violated New York Education Law §6530(9)(b) by reason of 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, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of her having violated New York State Education Law §6530(9)(d) by reason of her having had disciplinary action taken against him 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 the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Dec. 21*, 1999
Albany, New York



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