



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
*Commissioner*

Paula Wilson  
*Executive Deputy Commissioner*

November 17, 1994

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Catherine Cholakis, Esq.  
Assistant Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2438  
Albany, New York 12237

Effective date: 11/24/94

Fasih Q. Zaman, M.D.  
Gatmells Motel  
Rowalpindi, 49000, Pakistan

RE: In the Matter of Fasih Q. Zaman, M.D.

Dear Ms. Cholakis and Dr. Zaman:

Enclosed please find the Determination and Order (No. BPMC-94-237) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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

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), "(t)he

RECEIVED  
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OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

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.

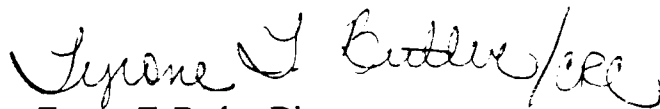
The notice of review served on the Administrative Review Board should be forwarded to:

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 that reads "Tyrone T. Butler / sec".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:crc

Enclosure

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

**IN THE MATTER  
OF  
FASIH Q. ZAMAN, M.D.**

**DETERMINATION  
AND  
ORDER**

BPMC-94-237

A Notice of Hearing and Statement of Charges, both dated March 28, 1994, were served upon the Respondent Fasih Q. Zaman, M.D. Daniel A. Sherber, M.D., Leo T. Fishel, Jr., M.D. and Louis T. Paris, 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. JEFFREY ARMON, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on September 29, 1994. The Department of Health appeared by Catherine Cholakis, Esq., Assistant Counsel. The Respondent did not appear. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

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

**STATEMENT OF CASE**

The 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 cases, 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, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I. By execution of this Determination and Order, all members of the Hearing Committee acknowledge that they have read the record of these proceedings.

### **FINDINGS OF FACT**

The Following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses 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.

1. Fasih Q. Zaman, M.D. (hereinafter "Respondent") was authorized to practice medicine in New York State on September 23, 1972 by the issuance of license number 114131 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period of January 1, 1993 through December 31, 1994 from Gutmells Motel, Rawalpindi, 49000, Pakistan.

2. By an Order dated May 23, 1988, the State Board of Medical Examiners of South Carolina determined to revoke Respondent's license to practice medicine based upon his being found guilty, following a disciplinary hearing, of violating three sections of the 1976 Code of Laws of South Carolina: section 40.-47-200(7) [violating principals of ethics as adopted by the State Board of Medical Examiners]; section 40-47-200(8) [engaging in any dishonorable unethical, or unprofessional conduct likely to deceive, defraud or harm the public]; and section 40-47-200(12) [lacking the unethical or professional competence to practice medicine].

3. The basis for the South Carolina Board's decision was Respondent's treatment of nine patients during the approximately two year period of 1980 through 1982.

4. Respondent was personally served with the Notice of Hearing and Statement of

Charges (Dept. Ex. 1) on August 8, 1994, (Pet. Ex. 2).

### **CONCLUSIONS OF LAW**

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that Respondent had been properly served with the Notice of Hearing and Statement of Charges based upon the Affidavit of Personal Service (Pet. Ex. 2), and that it obtained jurisdiction over Respondent in this matter as a result.

The Committee determined that the Department had met its burden of proof by demonstrating by a preponderance of the evidence that the South Carolina State Board of Medical Examiners took disciplinary action against Respondent's license to practice medicine in that State. The basis for such action was conduct which, had it been committed in New York State, would have constituted professional misconduct pursuant to New York Education Law Section 6530(3), (5) and/or (20) [negligence on more than one occasion; incompetence on more than one occasion; and/or moral unfitness to practice medicine]. Therefore, the Hearing Committee voted to sustain the Specification of professional misconduct contained within the Statement of Charges.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

In reaching its determination, the Hearing Committee relied upon the Findings of Fact made by the South Carolina Board which detailed multiple instances of negligent and incompetent practices by the Respondent in his treatment of nine different patients during about a two year

period. The Committee found Respondent's actions to be so serious that revocation of his license to practice medicine in New York State was the only penalty deemed appropriate to adequately protect the public. It also noted Respondent's failure to appear at this hearing or to otherwise respond to the Statement of Charges and considered this failure to indicate a lack of interest by Respondent in retaining his New York license.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**;
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

**DATED: Albany, New York**

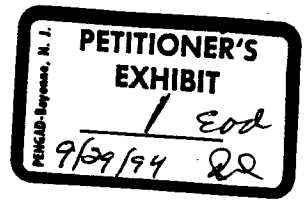
Nov 7, 1994

  
**DANIEL A. SHERBER, M.D. (Chair)**

**LEO T. FISHEL, JR., M.D.  
LOUIS T. PARIS**

TO: Catherine Cholakis, Esq.  
Assistant Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2412  
Albany, New York 12237

Fasih Q. Zaman, M.D.  
Gatmells Motel  
Rowalpindi, 49000, Pakistan



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

-----X  
: IN THE MATTER : NOTICE OF  
: OF : REFERRAL  
: FASIH Q. ZAMAN, M.D. : PROCEEDING  
: :  
-----X

TO: FASIH Q. ZAMAN, M.D.  
Gatmells Motel  
Rawalpindi, 49000  
Pakistan

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 21st day of September, 1994 at 10:00 o'clock in the forenoon of that day at the Department of Health, Corning Tower Building, Room 2509, Empire State Plaza, Albany, New York 12237.

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, on or before September 9, 1994 .

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 on or before September 9, 1994 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 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  
*March 28*, 1994

*Peter D. Van Buren*

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

Inquiries should be addressed to:

Karen E. Carlson  
Assistant Counsel  
Bureau of Professional Medical Conduct  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
FASIH Q. ZAMAN, M.D. : CHARGES  
-----X

FASIH Q. ZAMAN, M.D., the Respondent, was authorized to practice medicine in New York State on September 23, 1972 by the issuance of license number 114131 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from Gutmells Motel, Rawalpindi, 49000, Pakistan.

FACTUAL ALLEGATIONS

1. The South Carolina State Board of Medical Examiners, by Final Board Order dated May 23, 1988, found Respondent guilty of unprofessional conduct and revoked Respondent's license to practice medicine.
2. Respondent was found guilty of violating three sections of the 1976 Code of Laws of South Carolina: section 40.-47-200(7) [violating principals of ethics as adopted by the State Board of Medical Examiners]; section 40-47- 200(8)

[engaging in any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud or harm the public]; and section 40-47-200(12) [lacking the unethical or professional competence to practice medicine].

3. The decision was set forth by the Board in a Statement of the Case and a Conclusion of Law dated May 23, 1988. The decision to revoke the Respondent's license was affirmed by decision in South Carolina on April 8, 1991.

4. The basis for the Board's decision was the treatment of ten patients by Respondent over approximately a two year period.

5. The conduct underlying the South Carolina Board's finding of unprofessional conduct would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(3) [negligence on more than one occasion] and/or N.Y. Educ. Law §6530(5) [incompetence on more than one occasion] and/or N.Y. Educ. Law §6530(20) [moral unfitness to practice medicine].

#### SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Education Law §6530(9)(b) (McKinney Supp. 1994) by reason of his 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 Petitioner charges:

1. The facts in Paragraphs 1 through 4.

DATED: Albany, New York  
*March 28, 1994*

*Peter D. Van Buren*

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