



***New York State Board for Professional Medical Conduct***

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

*Public*

Kendrick A. Sears, M.D.  
Chairman

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

October 21, 2005

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

Aleksander Rabukhin M.D.

Re: License No. 207266

Dear Dr. Rabukhin:

Enclosed is a copy of Modification Order #BPMC 03-10 of the New York State Board for Professional Medical Conduct. This modification order and any penalty provided therein goes into effect October 28, 2005.

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 to the 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

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

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IN THE MATTER  
OF  
ALEKSANDER RABUKHIN, M.D.

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MODIFICATION  
ORDER  
BPMC No. #03-10

Upon the proposed Application for a Modification Order of **ALEKSANDER RABUKHIN, M.D.**, (Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at the address in the attached Application or certified mail to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10-21-05

KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
ALEKSANDER RABUKHIN, M.D.

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APPLICATION TO  
MODIFY MODIFICATION  
ORDER OF CONSENT  
ORDER BPMC No. 03-10

**ALEKSANDER RABUKHIN, M.D.**, (Respondent) deposes and says:

That on or about July 1, 1997, I was licensed to practice as a physician in the State of New York, having been issued License No. 207266 by the New York State Education Department.

My current address is 72 Sprucewood Blvd., Central Islip, NY 11722, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I am currently subject to MODIFICATION OF COSENT ORDER BPMC No. 03-10, dated April 19, 2005, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order").

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the paragraph in the Original Order that states:

" 7. Petitioner shall practice only with the setting of a teaching hospital for the duration of this Order. (A teaching hospital shall be defined as a hospital engaged in an approved graduate medical education program in medicine.)..."

substituting thereat:

" Petitioner shall work only in a supervised setting, such as a facility licensed by New York State, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. Petitioner shall not practice medicine until the supervised setting proposed by Petitioner is approved, in writing, by the Director of OPMC.

- a. Petitioner shall propose an appropriate supervisor or administrator in all practice settings, who shall be subject to the written approval of the Director of OPMC. Petitioner shall cause the supervisor or administrator to submit reports, as requested (or quarterly), regarding Petitioner's overall quality of medical practice.
- b. Petitioner shall provide the supervisor/administrator in all settings with the Order and terms of probation and shall cause the supervisor/administrator, in writing, to comply with OPMC schedules and requests for information.
- c. Petitioner shall submit semi-annually a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Petitioner has been in compliance with the employment setting and required supervision."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: 08/30/05

ALEXANDER RABUKHIN, M.D.  
Respondent



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

DATE: 06 September 2005

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: October 19, 2005

DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct



***New York State Board for Professional Medical Conduct***

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Kendrick A. Sears, M.D.  
Chairman

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

April 25, 2005

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

Aleksander Rabukhin, M.D.

Re: License No. 207266

Dear Dr. Rabukhin:

Enclosed is a copy of Modification Order #BPMC 03-10 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein went into effect April 19, 2005.

Sincerely,

~~ANSEL R. MARKS, M.D., J.D.~~  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Sharif Mahdavian, Esq.  
Friedman and Mahdavian  
The Bar Building, 36 West 44th Street, Suite 816  
New York, NY 10036

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

PUBLIC

IN THE MATTER

MODIFICATION

OF

OF

ALEKSANDER RABUKHIN, MD

CONSENT ORDER

This matter was brought to the New York State Board for Professional Medical Conduct (Board) for decision at the request of Aleksander Rabukhin, MD, (Petitioner), New York State medical license No. 207266. Petitioner entered into a Consent Order BPMC No. 03-10 effective January 14, 2003. The Order suspended Petitioner's license to practice medicine for an indefinite period of no less than one year. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of the Board for Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for active practice and that he is both fit and competent to practice medicine.

A meeting of the Committee was held in the above-entitled proceeding on March 23, 2005. Petitioner appeared with his attorney, Sharif Mahdavian, Esq. before a Committee of the Board consisting of Peggy Murrain, Ed.D., Chair, Robert Khugman, M.D. and Steven Pinsky, M.D. The Committee determined, by unanimous decision, after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that the suspension of Petitioner's license shall be stayed and he shall be allowed to practice medicine subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's return to practice is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

1. Petitioner shall provide the Director of the Office of Professional Medical Conduct (OPMC) with the following information and shall ensure that such information is kept current: a full description of Petitioner's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.

2. Petitioner shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Petitioner's compliance with the terms of this Order. Petitioner shall personally meet with a person designated by the Director of OPMC as requested by the Director.

3. Petitioner's period of probation shall be tolled during periods in which he is not engaged in the active practice of medicine as a physician in New York State. Petitioner shall notify the Director of OPMC in writing if he is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Petitioner shall submit written notification to the Director prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled.

Petitioner may not commence the practice of medicine in New York State until all proposed monitors have been approved in writing by the Director of the Office of Professional Medical Conduct.

4. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of



Petitioner's history. Petitioner shall not self-prescribe any medications.

5. Petitioner shall comply fully with a prescribed therapeutic regimen of Naltrexone for a period of no less than two and one half years pursuant to a physician's directions and approved by the Director of OPMC. An individual approved by OPMC shall witness the intake of Naltrexone. This individual will report on Petitioner's compliance with this term on a schedule determined by OPMC.

6. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of OPMC. The Sobriety Monitor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, directly observed, unannounced blood, saliva, breath and/or urine tests for the presence of alcohol and other drugs in Petitioner. These specimens shall also be specifically tested for the presence of Fentanyl. Petitioner shall be screened eight (8) times per month for the first year of practice. The Petitioner shall be called on a seven day a week basis. After the first year of practice, if Petitioner has been fully compliant with this Order, specimens shall be collected at the discretion of the Sobriety Monitor at a frequency to be approved by the Director of OPMC.

b. The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.

c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the

monitor otherwise learns, the Petitioner is not alcohol/drug free.

- d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.
  - e. Petitioner shall report to the Sobriety Monitor within four (4) hours of being contacted to submit a blood, saliva, breath and/or urine test.
  - f. Petitioner shall avoid all substances which may cause positive results such as poppy seeds/mouthwash/cough medication/herbal teas. Any positive result will be considered a violation of this Order.
  - g. If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or more, Petitioner shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by OPMC.
7. Petitioner shall practice only within the setting of a teaching hospital for the duration of this Order. (A teaching hospital shall be defined as a hospital engaged in an approved graduate medical education program in medicine.) Petitioner's medical practice shall be supervised by a licensed physician (Practice Supervisor) proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order.
- a. During the first year of practice the Practice Supervisor shall evaluate the

Petitioner's clinical competency and shall immediately report any concerns to OPMC.

- b. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner may not be drug or alcohol free.
- c. The Practice Supervisor shall immediately report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
- d. The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order.
- e. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Petitioner's practice, any unexplained absences from work, and Petitioner's compliance or failure to comply with each condition described within this Order.

10. Petitioner shall continue in treatment with a qualified health care professional (Therapist) proposed by Petitioner and approved, in writing, by the Director of OPMC. The Therapist is to be familiar with the Petitioner's history of substance abuse and the terms of this Order. Petitioner will continue in treatment with the Therapist for the duration of this Order, at a frequency of therapy visits to be decided by the Therapist. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that an approved Therapist is no longer willing or able to serve in that capacity.

- a. The Therapist shall submit reports to OPMC every three (3) months certifying

compliance with treatment by Petitioner and describing in detail any failure to comply.

b. The Therapist shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.

11. The Director of OPMC shall reserve the authority to direct the Petitioner to undergo an independent evaluation by a practitioner approved by the Director of OPMC who specializes in alcohol/chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of all previous treatment records and a copy of this Order. Reports of such evaluations shall be submitted directly to the Director. Petitioner shall follow treatment recommendations made by the evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease practice until it is determined he is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.

12. Petitioner shall continue participation in self-help fellowship (e.g., AA, Caduceus, other). Petitioner shall maintain an ongoing relationship with a sponsor.

13. Petitioner shall inform all physicians or other health care practitioners from whom Petitioner seeks treatment of Petitioner's history of substance abuse. Should Petitioner be prescribed any controlled or mood-altering substances, Petitioner shall notify the Sobriety Monitor and the Director of OPMC before such medications are administered.

14. The Director of OPMC shall reserve the right to conduct on-site review of Petitioner's office, office records, hospital practice and hospital records at least semi-annually.

15. Petitioner shall maintain legible and complete medical records which accurately reflect



the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

16. Petitioner shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

17. Petitioner shall comply with all terms, conditions, restrictions and limitations to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

Dated: New York, NY

April 19, 2005

  
Peggy Murray, Ed.D.  
Committee Chair  
State Board for Professional Medical Conduct