



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

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

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

August 19, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Brian Icer Abraham, M.D.
21 Mile Post Lane
Pittsford, NY 14534

Re: License No. 144870

Dear Dr. Abraham:

Enclosed please find Order #BPMC 04-182 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 26, 2004.

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

cc: Dennis R. McCoy, Esq.
Hiscock & Barclay
1100 M & T Center
3 Fountain Plaza
Buffalo, NY 14203-1414

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

IN THE MATTER

SURRENDER

OF

ORDER

**BRIAN ICER ABRAHAM, M.D.
RO-02-08-4145-A**

BPMC No. 04-182

BRIAN ICER ABRAHAM, M.D., says:

On or about January 2, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 144870 by the New York State Education Department. I currently reside at 21 Mile Post Lane, Pittsford, NY 14534.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I agree, hereby, not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, that may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

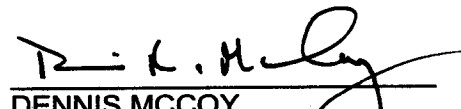
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 7/28/04, 2004



BRIAN ICER ABRAHAM, M.D.
Respondent

AGREED TO:


Date: 8/2/04, 2004


DENNIS MCCOY
Attorney for Respondent

Date: 05 August, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 13 August, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER


Upon the proposed agreement of **BRIAN ICER ABRAHAM, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof are, hereby, adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, that may be accomplished by mailing, by first class mail, a copy to Respondent at the address set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/18, 2004


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
BRIAN ICER ABRAHAM, M.D.
RO-002-08-4145-A

STATEMENT
OF
CHARGES

BRIAN ICER ABRAHAM, M.D., the Respondent, was authorized to practice medicine in New York state on January 2, 1981, by the issuance of license number 144870 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 3, 2003, the New York State, Department of Health, by a Stipulation and Order, fined Respondent \$10,000.00, based on destroying partial doses of controlled substances remaining after the administration or attempted administration of portions of liquid controlled substances during medical procedures performed at Rochester General Hospital and Newark-Wayne Hospital, without a witness to the destructions, on seventy-one (71) occasions during the period of January 17, 2002, through July 2, 2002.

B. The conduct resulting in the New York state disciplinary action Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York State Education Law §6530(16) willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(c) by having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct, pursuant to New York Education Law, §6530, in that Petitioner charges:

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

DATED: *05 August*, 2004
Albany, New York

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