

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

IN THE MATTER
OF
AYMAN M. KADER, M.D.
CO-03-04-1643-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
HEARING

TO: AYMAN M. KADER, M.D.
10 Foundaryville Road
Berwick, PA 18603

AYMAN M. KADER, M.D.
2421 East High Avenue
New Philadelphia, OH 44663

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., 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 **AYMAN M. KADER, M.D.**, Respondent, licensed to practice medicine in New York state on March 26, 2002, by license number 224288, has been found guilty of committing acts constituting felonies under the law of another jurisdiction, the Court of Common Pleas, Tuscarawas County, Ohio, which if committed in New York state would have constituted felonies under New York state law.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **AYMAN M. KADER, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public 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 of Professional Medical Conduct, on the 5th day of June, 2003 at 10:00 am in the forenoon at Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 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, that 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 adjournment requests are not, therefore, 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, at least five days prior to the scheduled hearing date. Claims of court engagement require detailed affidavits of actual engagement. Claims of illness 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 that 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 MAY 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 FOR THIS
MATTER.**

DATED: Albany, New York

April 30, 2003



ANTONIA C. NOVELLO, M.D. M.P.H, Dr. P.H.,
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street - Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
AYMAN M. KADER, M.D.,
CO-03-04-1643-A

STATEMENT
OF
CHARGES

AYMAN M. KADER, M.D., the Respondent, was authorized to practice medicine in New York state on March 26, 2002, by the issuance of license number 224288 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 20, 2001, in the Court of Common Pleas, Tuscarawas County, Ohio, Respondent was indicted on seventeen (17) counts of Trafficking in Drugs, in violation of Ohio Revised Code, Section 2925.03, seventeen (17) counts of Illegal Possession of Drug Documents, in violation of Ohio Revised Code, Section 2925.23(B), and one (1) count of Medicaid Fraud in violation of Ohio Revised Code, Section 2913.40(B), all felonies.

B. On or about March 26, 2001, Respondent was arrested by the Tuscarawas County Sheriff's Office, based on the indictment described in Paragraph A above.

C. On or about March 5, 2002, Respondent prepared and submitted, to the New York State Department of Education, an Application for License and First Registration, wherein he falsely answered "No" to question "12. Have you ever been charged with a crime (felony or misdemeanor) in any state or county, the disposition of which was other than acquittal or dismissal?"

D. On or about March 26, 2002, the New York State Education Department, based on the Application for License and First Registration described in Paragraph C above, issued Respondent license number 224288, to practice medicine in New York state.

E. On or about April 24, 2002, Respondent's clinical privileges were permanently revoked by the Twin City Hospital, Dennison, Ohio, based upon serious deviation from standards of accepted medical practice.

F. On or about May 2, 2002, in the Court of Common Pleas, Tuscarawas County, Ohio, Respondent was found guilty of Medicaid Fraud, in violation of Ohio Revised Code, Section 2913.40(B), a misdemeanor of the first degree.

G. On or about August 29, 2002, Respondent prepared and submitted to the New York State, Department of Health, a New York State Physician Profile wherein he falsely answered "No" to Question #14, "Within the last 10 years has there been any loss of or involuntary restriction of your hospital privileges or your medical staff membership related to the quality of patient care you delivered and where procedural due process has been afforded, exhausted, or waived," and to Question #15, "Have you been convicted of a crime (felony or misdemeanor) in any state, province or country within the past 10 years?"

H. On or about February 6, 2003, in the Court of Commons Pleas, Tuscarawas County, Ohio, Respondent was found guilty, based on a plea of No Contest, of five (5) felony counts of Trafficking in Drugs, in violation of Ohio Revised Code, Section 2925.03, and five (5) felony counts of Illegal Processing of Drug Documents, in violation of Ohio Revised Code Section 2925.23(B), and sentenced to six (6) months local incarceration to be suspended in favor of three (3) years Probation, for the conviction described in Paragraph B above, and three (3) years Community Control for the above described felony counts, and to pay a \$40,000.00 fine in addition to restitution and costs of restitution.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(1) by obtaining the license fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and/or D.

SECOND AND THIRD SPECIFICATIONS

Respondent violated New York Education Law § 6530 (2) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in Paragraphs A, B, and/or C; and/or
3. The facts in Paragraphs A, B, E, F, and/or G.

FOURTH SPECIFICATION

Respondent violated New York State Education Law §6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction, and which, if committed within this state, would have constituted a crime under New York State law, in that Petitioner charges:

4. The facts in Paragraphs A, B, F, and /or H.

FIFTH AND SIXTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:


5. The facts in Paragraphs A, B, and/or C; and/or
6. The facts in Paragraphs A, B, E, F, and/or G.

SEVENTH AND EIGHTH SPECIFICATIONS

Respondent violated New York State Education Law § 6530(21) by filing a false report, or failing to file a report required by law, in that Petitioner charges

7. The facts in Paragraphs A, B, and/or C; and/or
8. The facts in Paragraphs A, B, E, F, and/or G.

DATED: *April 30*, 2003
Albany, New York


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