



***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.  
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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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

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

**PUBLIC**

October 22, 2003

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

Lior Kahane, M.D.  
4343 N. 21st Street  
Apt. 107  
Phoenix, AZ 85016

Re: License No. 222160

Dear Dr. Kahane:

Enclosed please find Order #BPMC 03-281 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 29, 2003.

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: Carolyn Shearer, Esq.  
Bond, Schoeneck & King, PLLC  
111 Washington Avenue  
Albany, NY 12210-2211

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

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**IN THE MATTER**

**OF**

**LIOR KAHANE, M.D.  
CO-03-07-3209-A**

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**SURRENDER**

**ORDER**

BPMC No. 03-281

**LIOR KAHANE, M.D., says:**

On or about July 23, 2001, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 222160 by the New York State Education Department. I currently reside at 4343 N. 21<sup>st</sup> Street, Apt. 107, Phoenix, AZ 85016.

I am not 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 five (5) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am not practicing medicine in New York state and I do not intend to practice medicine in New York state in the future. I am, therefore, 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, hereby, agree not to contest Factual Allegations A, B, C, D, E, and F(2) and (7) and the Third and Fifth Specifications 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

FROM : LIOR

FAX NO. : 8185067966

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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, which 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: 10/17/03, 2003

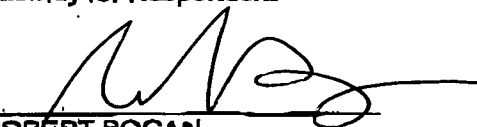
  
LIOR KAHANE, M.D.  
Respondent

AGREED TO:

Date: 10/17/03, 2003

  
CAROLYN SHEARER, ESQ.  
Attorney for Respondent

Date: 17 Oct, 2003

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 21 October, 2003

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

## ORDER

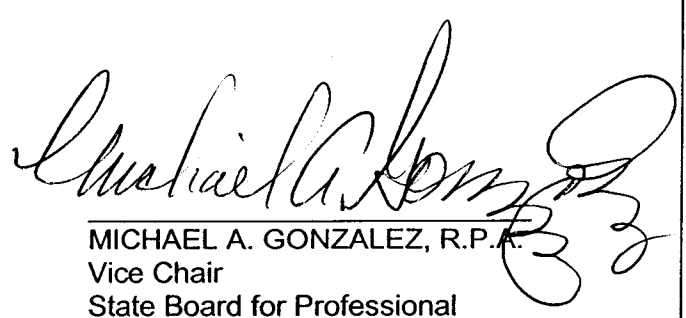
Upon the proposed agreement of **LIOR KAHANE, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses 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: 10/22, 2003

  
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

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IN THE MATTER  
OF  
LIOR KAHANE, M.D.  
CO-03-07-3209-A

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STATEMENT  
OF  
CHARGES

LIOR KAHANE, M.D., the Respondent, was authorized to practice medicine in New York state on June 21, 2001, by the issuance of license number 222160 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about September 26, 1997, effective September 30, 1997, Carondelet Holy Cross Hospital, Nogales, AZ, restricted Respondent's colonoscopy privileges for one (1) month, due to a complication involving the bowel perforation and subsequent death of a patient after a colonoscopy procedure and concerns for patient safety and well being.

B. On or about April 5, 1998, effective April 1, 1998, Health Partners Health Plans, Tucson, AZ, summarily suspended Respondent from performing colonoscopies until documentation is received from Holy Cross Hospital that his privileges have been fully restored.

C. On or about March 22, 2001, effective March 22, 2001, Carondelet St. Mary's Hospital, Tucson, AZ, permanently revoked Respondent's clinical privileges for hand and wrist procedures, because of concerns regarding care deemed to be possibly detrimental to patient safety and/or to the delivery of quality patient care.

D. On or about April 6, 2001, effective April 6, 2001, Carondelet St. Mary's Hospital, Tucson, AZ, indefinitely suspended the Respondent's surgical privileges, because of concerns regarding and deemed to be possibly detrimental to patient safety and/or to the delivery of quality patient care.

E. On or about April 17, 2001, Respondent prepared, signed under penalty of perjury, and submitted, to the New York State Education Department, New York, an Application for Licensure and First Registration, that was finally approved on July 23, 2001, wherein he falsely answered "No" to question, "15. Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?"

F On or about June 12, 2003, the Arizona Board of Medical Examiners (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order for Revocation and Probation (hereinafter "Arizona Order"), revoked Respondent's license to practice medicine and required him to pay the costs of the administrative hearing, based on failing or refusing to maintain adequate records on a patient; conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; knowingly making a false or fraudulent statement, written or oral, in connection with the practice of medicine or if applying for privileges or renewing an application for privileges at a health care institution; knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board; gross negligence, repeated negligence or negligence resulting in harm to or death of the patient.

G. The conduct resulting in the Arizona Board 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(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(5) (incompetence on more than one occasion);
5. New York Education Law §6530(6) (gross incompetence);
6. New York Education Law §6530(20) (moral unfitness); and/or
7. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**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, D, and/or E.

**SECOND SPECIFICATION**

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

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

**THIRD SPECIFICATION**

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that Petitioner charges:

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

**FOURTH SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:


4. The facts in Paragraphs F and/or G.

**FIFTH SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

5. The facts in Paragraphs F and/or G.

DATED: *Oct. 15*, 2003  
Albany, New York

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