



***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*

January 27, 2004

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

Allen Asghar Farsaii, M.D.  
20629 Boland Farm Road  
Germantown, MD 20876

Re: License No. 145994

Dear Dr. Farsaii:

Enclosed please find Order #BPMC 04-10 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 3, 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: Noriel Sta. Maria, Esq.  
Kern, Augustine, Conroy & Schoppman, P.C.  
420 Lakeville Road  
Lake Success, NY 11042

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

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**IN THE MATTER**

**OF**

**ALLEN ASGHAR FARSAII, M.D.  
CO-03-07-3223-A**

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**SURRENDER**

**ORDER**

BPMC No. 04-10

**ALLEN ASGHAR FARSAII, M.D., says:**

On or about May 8, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 145994 by the New York State Education Department. I currently reside at 20629 Boland Farm Road, Germantown, MD 20876.

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 seventeen (17) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A," predicated upon and arising from the actions previously taken by the states of Maryland and West Virginia.

I have not practiced medicine in New York state in many years and do not intend to return to practice medicine in New York state. Although New York state has offered to resolve this matter with a Consent Agreement, 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, therefore, hereby, agree not to contest Factual Allegations A, B, C, D, E, F, G, H(2) and (7), and I(1), (3), (4), and (6) and the Second through Fifteen 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 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.

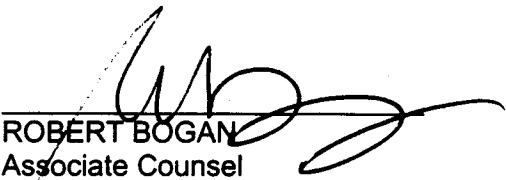
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 1-20, 2004

  
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ALLEN ASGHAR FARSAII, M.D.  
Respondent

AGREED TO:

Date: 20 January 2004

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 23 January 2004

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

**ORDER**

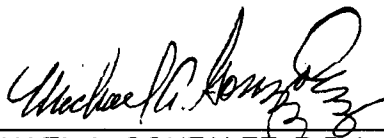
Upon the proposed agreement of **ALLEN ASGHAR FARSAII, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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: 1/26, 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

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**IN THE MATTER**  
**OF**  
**ALLEN ASGHAR FARSAII, M.D.**  
**CO-03-07-3223-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**ALLEN ASGHAR FARSAII, M.D.**, the Respondent, was authorized to practice medicine in New York state on May 8, 1981, by the issuance of license number 145994 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 20, 1991, the West Virginia Board of Medicine (hereinafter "West Virginia Board"), by a Consent Order (hereinafter "West Virginia Order 1"), directed that Respondent cease and desist from prescribing controlled substances to himself or for his own personal use, imposed a \$1,000.00 fine, and PUBLICLY REPRIMANDED him for prescribing controlled substances to himself and for failure to maintain records on himself and on two other individuals for whom he had written prescriptions for his own personal use.

B. On or about September 22, 1992, the West Virginia Board, by a Consent Order (hereinafter "West Virginia Order 2"), publicly reprimanded Respondent, required him to enroll in and successfully complete a minimum of ten (10) hours CME, and that he provide a copy of West Virginia Order 2 to any health care facility where he is employed, where he works, or enjoys privileges of any kind, based on failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar circumstances and conditions.

C. On or about October 20, 1992, the Board of Physician Quality Assurance of the State of Maryland (hereinafter "Maryland Board"), by a Final Order (hereinafter "Maryland Order I"), REPRIMANDED Respondent and directed that he cease and desist from prescribing

controlled substances to himself or for his own personal use, based upon the action taken against him by the West Virginia Board, in West Virginia Order 1, set forth in Paragraph A.

D. On or about April 16, 1993, the West Virginia Board, by a Consent Order (hereinafter "West Virginia Order 3"), SUSPENDED Respondent's license to practice medicine for six (6) months, STAYED the suspension, and fined him \$5,000.00, based on failure to comply with a provision in West Virginia Order 2, set forth in Paragraph B above.

E. On or about December 21, 1993, the Maryland Board, by a Final Order (hereinafter "Maryland Order 2"), REPRIMANDED Respondent's license to practice medicine and ordered that he not perform balloon dilations of the prostate until he appears before the Maryland Board and obtains their approval, based upon the action taken by the West Virginia Board, in West Virginia Order 2, set forth in Paragraph B above.

F. On or about December 21, 1993, the Maryland Board, by a Final Order, (hereinafter "Maryland Order 3"), SUSPENDED Respondent's license to practice medicine for six (6) months, stayed the suspension, and denied him the right to practice medicine until he appears before and obtains approval of the Maryland Board, based upon the action taken by the West Virginia Board in West Virginia Order 3, set forth in Paragraph D above.

G. On or about May 28, 2003, the Maryland Board, by a Consent Order (hereinafter "Maryland Order 4"), REPRIMANDED Respondent and placed him on probation for a minimum of one (1) year with terms and conditions, based upon failure to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care in an outpatient surgical facility, office, hospital, or other location in Maryland.

H. The conduct resulting in the West Virginia Board disciplinary actions 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) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

I. The conduct resulting in the Maryland Board disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(9)(b) (having been found guilty of improper professional practice or professional misconduct by a duly professional disciplinary agency of another state where that conduct upon which the finding was based would, if committed this state, would constitute professional misconduct);
4. New York Education Law §6530(9)(d) (having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in this state, would constitute professional misconduct);
5. New York Education Law §6530(20) (moral unfitness); and/or
6. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

J. On or about November 29, 2001, Respondent prepared and submitted to the New York State Department of Health, a New York State Physician Profile in which he falsely answered question "12. License Actions, B. Out-Of- State Actions," by omitting and/or falsely reporting the West Virginia and/or Maryland actions described in Paragraphs A, B, C, D, E, and/or F above.



### **FIRST SPECIFICATION**

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

1. The facts in Paragraph A, B, C, D, E, F, H, I, and/or J.

### **SPECIFICATIONS**

#### **SECOND THROUGH EIGHTH SPECIFICATIONS**

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 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:

2. The facts in Paragraphs A and/or H;
3. The facts in Paragraphs B and/or H;
4. The facts in Paragraphs A, C, H, and/or I;
5. The facts in Paragraphs B, D, and/or H;
6. The facts in Paragraphs B, E, H, and/or I;
7. The facts in Paragraphs B, D, F, H, and/or I; and/or
8. The facts in Paragraphs G and/or I.

#### **NINTH THROUGH FIFTEENTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension 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:

9. The facts in Paragraphs A and/or H;
10. The facts in Paragraphs B and/or H;
11. The facts in Paragraphs A, C, H, and/or I;
12. The facts in Paragraphs B, D, and/or H;
13. The facts in Paragraphs B, E, H, and/or I;
14. The facts in Paragraphs B, D, F, H, and/or I; and/or
15. The facts in Paragraphs G and/or I.

**SIXTEENTH SPECIFICATION**

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:

16. The facts in Paragraphs A, B, C, D, E, F, H, I, and/or J.

**SEVENTEENTH SPECIFICATION**

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

17. The facts in Paragraphs A, B, C, D, E, F, H, I, and/or J.

DATED: *Nov. 17*, 2003  
Albany, New York

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