



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

December 30, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Abdul Baluch, M.D.
Three Rivers Correctional Facility
P.O. Box 4000
Three Rivers, TX 78071

Re: License No. 135427

Dear Dr. Baluch:

Enclosed please find Order #BPMC 03-357 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect January 6, 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: Ace Pickins, Esq.
Brown McCarroll, LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701

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

IN THE MATTER

OF

**ABDUL BALUCH, M.D.
CO-03-10-4623-A**

SURRENDER

ORDER

BPMC No. 03-357

ABDUL BALUCH, M.D., says:

On or about August 4, 1978, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 135427 by the New York State Education Department. I currently reside at Three Rivers Correctional Facility, P.O. Box 4000, Three Rivers, TX 78071.

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

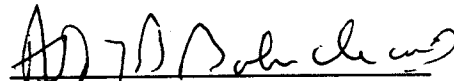
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

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, 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.

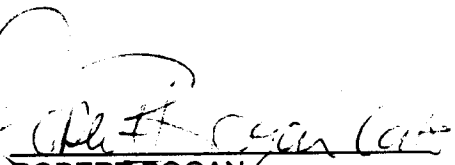
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 12/19, 2003

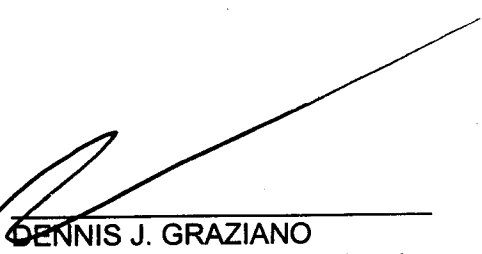

ABDUL BALUCH, M.D.
Respondent

AGREED TO:

Date: 12/24, 2003


ROBERT BOGAN,
Associate Counsel
Bureau of Professional Medical Conduct

Date: 12/24, 2003


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER


Upon the proposed agreement of **ABDUL BALUCH, 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: 12/29, 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

IN THE MATTER
OF
ABDUL BALUCH, M.D.
CO-03-10-4623-A

STATEMENT
OF
CHARGES

ABDUL BALUCH, M.D., the Respondent, was authorized to practice medicine in New York state on August 4, 1978, by the issuance of license number 135427 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On October 21, 2002, in the United States District Court, Western District of Texas, Respondent was found guilty of aiding and abetting health care fraud in violation of 18 U.S.C. §1347 and aiding and abetting money laundering in violation of 18 U.S.C. §1956 (a)(1)(A)(i) and (2), felonies, and was sentenced to five years (5) confinement and \$4,072,796.00 restitution.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *December 29*, 2003
Albany, New York

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