



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

Public

November 29, 2007

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Nicholas Michael Dramis, P.A.  
Southwest Detention Center  
30755B Adult Road  
Murrieta, California 92563

Robert Bogan, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street - 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Nicholas Michael Dramis, P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 07-265) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

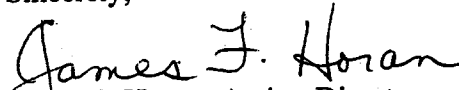
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

  
James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

IN THE MATTER  
OF  
NICHOLAS MICHAEL DRAMIS, P.A.

DETERMINATION  
AND  
ORDER  
BPMC #07-265

A hearing was held on November 14, 2007, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding, dated February 28, 2007, and a Statement of Charges, also dated February 28, 2007, were served upon the Respondent, **Nicholas Michael Dramis, P.A.** Pursuant to Section 230(10)(e) of the Public Health Law, **Alexander M. Yvars, M.D.**, Chairperson, **Airlie Cameron, M.D., M.P.H.**, and **Ms. Carmela Torrelli**, duly designated members of the State Board for Professional Medical Conduct ("the Board"), served as the Hearing Committee in this matter. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of counsel. The Respondent did not appear at the hearing either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## **BACKGROUND**

This case was brought pursuant to Public Health Law Section 230(10). Pursuant to this statute, a physician or a physician assistant who is charged with professional medical misconduct by the Petitioner is entitled to an administrative hearing before a three-member committee of the Board. The hearing committee decides whether the charges against the physician or physician assistant are sustained and, if so, the penalty to be imposed.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(2), (9)(a)(iii), (9)(b), (9)(d), and (21). Copies of the Commissioner's Order and Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

## **WITNESSES**

For the Petitioner: None

For the Respondent: None

## **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. All Hearing Committee findings were unanimous.

1. Nicholas Michael Dramis, P.A., the Respondent, was authorized to practice medicine as a physician assistant in New York State on July 16, 1984, by the issuance of license number 002470 by the New York State Education Department (Petitioner's Ex. 4).
2. On March 8, 2006, in the Superior Court of the State of California, County of Los Angeles, the Respondent was arraigned on criminal charges (Petitioner's Ex. 5).

3. On or about March 30, 2006, the Respondent submitted to the New York State Education Department a Registration Renewal Document wherein he falsely stated that criminal charges were not pending against him in any court (Petitioner's Ex. 4).

4. On April 13, 2006, in the Superior Court of the State of California, County of Los Angeles, the Respondent was found guilty, based on a plea of guilty, of Possession of a Controlled Substance, in violation of California Health and Safety Code Section 11377(a), a felony (Petitioner's Ex. 5).

5. On July 18, 2006, the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs ("California Board"), by a Decision and Order, accepted the surrender of the Respondent's license to practice medicine as a physician assistant, based on sexual abuse and/or misconduct with a patient, acts of corruption, illegal use of drugs, conviction of a crime, gross negligence, and prescribing without a good faith examination (Petitioner's Ex. 6).

#### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(3) - "Practicing the profession with negligence on more than one occasion;"
- New York Education Law Section 6530(4) - "Practicing the profession with gross negligence on a particular occasion;"
- New York Education Law Section 6530(8) - "Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability

to practice, or having a psychiatric condition which impairs the licensee's ability to practice;"

- New York Education Law Section 6530(9)(a)(i) - "Being convicted of committing an act constituting a crime...under New York state law;"

- New York Education Law Section 6530(17) - "Exercising undue influence on the patient..."

- New York Education Law Section 6530(20) - "Conduct in the practice of medicine which evidences moral unfitness to practice medicine;" and

- New York Education Law Section 6530(31) - "Willfully harassing, abusing, or intimidating a patient either physically or verbally..."

### **VOTE OF THE HEARING COMMITTEE**

#### **FIRST SPECIFICATION**

"Respondent violated New York Education Law Section 6530(2) by practicing the profession fraudulently..."

VOTE: Sustained (3-0)

#### **SECOND SPECIFICATION**

"Respondent violated New York Education Law Section 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would constitute misconduct..."

VOTE: Sustained (3-0)

#### **THIRD SPECIFICATION**

"Respondent violated New York Education Law Section 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...”

VOTE: Sustained (3-0)

#### FOURTH SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(d) by having surrendered his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license surrender would, if committed in New York state, constitute professional misconduct under the laws of New York state...”

VOTE: Sustained (3-0)

#### FIFTH SPECIFICATION

“Respondent violated New York Education Law Section 6530(21) by willfully making or filing a false report...”

VOTE: Sustained (3-0)

#### HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing either in person or by counsel. The Administrative Law Judge ruled that Petitioner’s Exhibits 2 and 3 proved that the Commissioner’s Order and Notice of Referral Proceeding and the Statement of Charges had been served on the Respondent, that jurisdiction over the Respondent had been established, that there was no justification for the Respondent’s absence, and that the hearing could proceed on the merits despite the Respondent’s absence.

The First Specification, practicing fraudulently, and the Fifth Specification, filing a false report, are based on the March 30, 2006, Registration Renewal Document. On that document the Respondent answered “No” to the question, “Are criminal charges pending against you in any court?” (Petitioner’s Ex. 4). In fact, the Respondent had one count of

Possession of a Controlled Substance pending against him in California. He was arraigned on that count on March 8, 2006, and convicted on April 13, 2006 (Petitioner's Ex. 5). Given the Petitioner's documentary evidence and the absence of any evidence from the Respondent on these two specifications, they will be sustained.

The Second Specification is based on the Respondent's criminal conviction for Possession of a Controlled Substance. This specification is sustained based on the documentary evidence of this conviction in Petitioner's Ex. 5.

The Third and Fourth Specifications are based on the California disciplinary proceeding against the Respondent that took place in 2006. The California Board accepted the surrender of the Respondent's license. The documentary evidence in that proceeding (Petitioner's Ex. 6) disclosed many serious acts of professional misconduct by the Respondent including:

- in 2003 and 2004, engaging in a sexual relationship lasting almost two years with I.W., a female who was both a patient and a minor;
- repeatedly encouraging I.W. to use illegal dangerous drugs;
- taking sexually explicit photographs of I.W.;
- striking I.W. in the face with his fist;
- using controlled substances illegally on numerous occasions;
- having been convicted in 2001 for beating L.J. (a woman with whom he was then living) repeatedly with his fists;
- assaulting his former wife and a police officer who had been dispatched to the scene of the crime; and
- prescribing medications without a good faith physical examination, history or treatment plan.



The Respondent's conduct proves that he is a dishonest, violent and predatory drug abuser. There is only one penalty that can be imposed that will protect the public adequately. The Respondent's license to practice must be revoked.

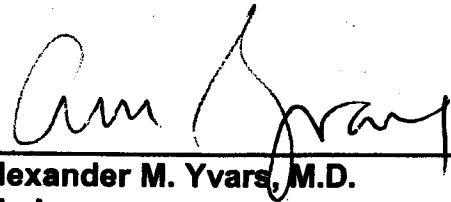
**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine as a physician assistant is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Gloversville, New York**

11 / 26 /, 2007

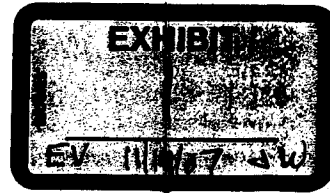


**Alexander M. Yvars, M.D.  
Chairperson**

**Airlie Cameron, M.D., M.P.H.  
Carmela Torrelli**

# **APPENDIX I**

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



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IN THE MATTER  
OF  
NICHOLAS MICHAEL DRAMIS, P.A.  
CO-06-05-2939-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: NICHOLAS MICHAEL DRAMIS, P.A.  
Southwest Detention Center  
30755B Adult Road  
Murrieta, CA 92563

The undersigned, Brian P. Wing, Interim Executive Deputy Commissioner 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 **NICHOLAS MICHAEL DRAMIS, P.A.** Respondent, licensed to practice medicine in the State of New York as a Physician Assistant on July 16, 1984, by license number 002470, has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs for acts which if committed in New York State would have constituted the basis for summary action.

It is therefore:

ORDERED, pursuant to New York Public Health Law §230(12), that effective immediately **NICHOLAS MICHAEL DRAMIS, P.A.**, Respondent, shall not practice medicine as a physician in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine as a physician. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

Any practice of medicine in the State of New York in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21<sup>st</sup> day of March 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department, 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, which 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 §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, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will 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 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 BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

2/28 ,2007

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BRIAN P. WING  
Interim Executive Deputy 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

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<b>IN THE MATTER</b>	<b>STATEMENT</b>
<b>OF</b>	<b>OF</b>
<b>NICHOLAS MICHAEL DRAMIS, P.A.</b>	<b>CHARGES</b>
<b>CO-06-05-2939-A</b>	

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**NICHOLAS MICHAEL DRAMIS, P.A.**, Respondent, was authorized to practice medicine as a Physician Assistant in New York State on July 16, 1984, by the issuance of license number 002470 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about March 8, 2006, in the Superior Court of the State of California, County of Los Angeles, California, Respondent was arraigned on criminal charges.
- B. On or about March 30, 2006, Respondent prepared and/or submitted to the New York State Education Department, a Registration Renewal Document, wherein he falsely stated that criminal charges were not pending against him in any court.
- C. On or about April 13, 2006, in the Superior Court of the State of California, County of Los Angeles, California, Respondent was found guilty, based on a plea of guilty, of Possession of a controlled substance, in violation of California, Health and Safety Code, §11377(a), a felony.
- D. On or about July 11, 2006, the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), accepted the surrender of Respondent's license to practice medicine as a physician assistant, based on sexual abuse an/or misconduct with patient, acts of corruption, illegal use of drugs or alcohol and violation of drug laws, conviction of a crime, gross negligence, prescribing without a good faith examination, and general unprofessional conduct.

E. The conduct resulting in the California 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 State Education Law §6530(3) (negligence on more than one occasion);
2. New York State Education Law §6530(4) (gross negligence);
3. New York State Education Law §6530(8) (being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects);
4. New York State Education Law §6530(9)(a)(i) (by being convicted of committing a crime under state law);
5. New York State Education Law §6530(17) (exercising undue influence on the patient);
6. New York State Education Law §6530(20) (moral unfitness); and/or
7. New York State Education Law §6530(31) (willfully harassing, abusing, or intimidating a patient).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

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

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

#### **SECOND SPECIFICATION**

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

2. The facts in Paragraphs A and/or C.



### THIRD 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 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:

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

### FOURTH SPECIFICATION

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


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

### FIFTH SPECIFICATION

Respondent violated New York State Education Law §6530(21) by willfully making or filing a false report, in that Petitioner charges:

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

DATED: *Feb. 28*, 2007

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