



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 1, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Amin H. Gerges, M.D.
1643 West 10th Street
Brooklyn, New York 11223-1146

Amin H. Gerges, M.D.
P.O. Box 4418
New York, New York 10163-4418

Francis Ruddy, Esq.
NYS Department of Health
90 Church Street 4th Floor
New York, New York 10007-2919

RE: In the Matter of Amin H. Gerges, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 07-236) 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.

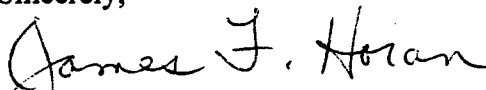
The notice of review served on the Administrative Review Board should be forwarded to:

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

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

COPY

IN THE MATTER
OF
AMIN H. GERGES, M.D.

DETERMINATION

AND

ORDER

BPMC #07-236

RICHARD N. ASHLEY, M.D., Chairperson, **RICHARD S. KOPLIN, M.D.** and **MR. KENNETH KOWALD**, duly designated members of the State Board for Professional Medical Conduct appointed by the Commissioner of Health of the State of New York pursuant to Sections 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY ARMON, ESQ.**, served as Administrative Officer for the Hearing Committee. After consideration of the entire record, the Hearing Committee submits this Determination.

SUMMARY OF PROCEEDINGS

Notice of Hearing/ Statement of Charges:	July 16, 2007
Service of Notice & Charges	August 7, 2007
Date of Hearing:	October 16, 2007
Department of Health appeared by:	Thomas G. Conway, Esq. General Counsel, NYS Department of Health
	BY: FRANCIS RUDDY, ESQ. NYS Department of Health 90 Church Street, 4 th Floor New York, New York 10007
Respondent:	NO APPEARANCE
Deliberations held:	October 16, 2007

LEGAL ISSUES

Pursuant to Part 230 (10) (d) of the Public Health Law, Petitioner must obtain personal service in order to establish jurisdiction to proceed in taking action against Respondent's medical license. Respondent was personally served with the Notice of Hearing and Statement of Charges on August 7, 2007. (Ex. 2) Fundamental due process requires that an accused have notice of a pending proceeding and a reasonable opportunity to be heard. The exhibits entered into the record clearly demonstrated that Respondent was aware of both the Order directing him to undergo a psychiatric evaluation and the current proceeding which resulted from his failure to comply with such Order. (Ex. 5, 6) The Administrative Law Judge ruled that jurisdiction had been obtained and that the Petitioner could proceed in its proposed action.

Numbers in parenthesis refer to transcript pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. All Hearing Committee findings were unanimous unless otherwise specified.

NOTE: Petitioner's Exhibits are designated by Numbers.

Respondent's exhibits are designated by Letters.

T = Transcript

A copy of the Notice of Hearing and Statement of Charges (Ex. 1) is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

1. Respondent was authorized to practice medicine in New York State on or about August 17, 1971 by the issuance of license number 109884 by the New York State Education Department. (Ex. 3)

2. On or about March 5, 2007, the Office of Professional Medical Conduct (OPMC) notified Respondent by mail of a proceeding scheduled for March 27, 2007 to review information indicating that Respondent may have been impaired by alcohol, drugs, physical or mental disability. (Ex. 5) Respondent acknowledged receipt of this notification in his letter to Department's counsel dated March 8, 2007. (Ex. 6)

3. Respondent failed to appear at the March 27, 2007 proceeding at which time a Committee of the State Board for Professional Medical Conduct ordered Respondent to submit to a medical and/or psychiatric examination at Rush Behavioral Health (RBH), Oak Park, Illinois no later than April 27, 2007. Personal service of this Order was accomplished on April 10, 2007. (Ex. 9)

4. The OPMC was notified by the RBH on July 25, 2007 that Respondent had not contacted it to schedule the evaluation as directed by the March 27, 2007 Order.

5. A Notice of Hearing and Statement of Charges, alleging that Respondent may be impaired by mental illness for the practice of medicine and that he failed to submit to a psychiatric examination as ordered by the State Board for Professional Medical Conduct, was personally served on Respondent on August 8, 2007. (Ex. 1, 2)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee concluded that all Factual Allegations and all Specifications should be **SUSTAINED** as Petitioner met its burden of proof and Respondent did not make an appearance.

DISCUSSION AND DETERMINATION OF PENALTY

Respondent has a lengthy history of harassing communications by mail and telephone made to both the New York State Academy of Family Physicians and the New York State Department of Health. These communications are both repetitive and inappropriate and demonstrate a delusional and paranoid state of mind in Respondent that justifies a request for an evaluation of his mental status. Numerous letters made a part of the record of this proceeding support a concern for the health and safety of any person who may receive treatment from this physician. His failure to appear at this hearing and unwillingness to comply with a legitimate Order issued by the Board led the Committee to conclude that revocation of Respondent's medical license was the only appropriate penalty that could be imposed.

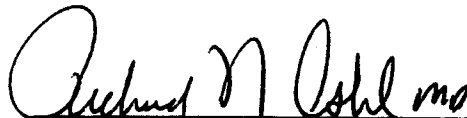
ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification contained within the Statement of Charges (Ex. 1) is **SUSTAINED**, and;
2. Respondent's license to practice medicine in New York State be, and hereby is, **REVOKED**, and;
3. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail in accordance with the provisions of Public Health Law §12-a.

DATED: Troy, New York

October 24, 2007



RICHARD N. ASHLEY, M.D., Chairperson

**RICHARD S. KOPLIN, M.D.
KENNETH KOWALD**

TO:

Francis Ruddy, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007-2919

Amin H. Gerges, M.D.
1643 West 10th Street
Brooklyn, New York 11223-1146

Amin H. Gerges, M.D.
P.O. Box 4418
New York, New York 10163-4418

APPENDIX I

Petitioner
10-16-07
J. J. [unclear]

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

IN THE MATTER
OF
AMIN H. GERGES, M.D.

NOTICE
OF
HEARING

TO: AMIN H. GERGES, M.D.
P.O. Box 4418
New York, NY 10163-4418
1643 W 10th Street
Brooklyn, New York 11223-1146

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 **Thursday, September 13, 2007, at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4th floor, New York, New York 10007**, and at such other adjourned dates, times and places as the committee may direct.

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. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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

EXHIBIT 4
(1)

ADJUDICATION, (henceforth "Bureau of Adjudication"), (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.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. 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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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 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 OUT IN NEW
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: New York, New York
July 16, 2007



Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Francis Ruddy
Assistant Counsel
Bureau of Professional Medical Conduct
90 Church Street, 4th floor
New York, NY 10007
212-417-4450

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

IN THE MATTER
OF
AMIN H. GERGES, M.D.

STATEMENT
OF
CHARGES

AMIN H. GERGES, M.D., Respondent, was authorized to practice medicine in New York State on or about August 17, 1971, by the issuance of license number 109884 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On March 27, 2007, a committee on professional conduct, after affording Respondent an opportunity to be heard before it, which Respondent failed to do, except that Petitioner did submit, at Respondent's request and on Respondent's behalf, copies of four (4) letters and one (1) New York Department of Education Order 8496 (1989), and after reviewing information presented by the Office of Professional Medical Conduct and Respondent, found reason to believe that Respondent may be impaired by mental illness. In an order issued March 27, 2007, pursuant to N.Y. Public Health Law Section 230(7), the committee directed Respondent to submit to and cooperate with a medical and psychiatric examination by a physician designated in said order, such examination to be commenced no later than April 26, 2007. This order was duly served on Respondent.

1. To date, Respondent has failed to submit to the examination that was ordered.

SPECIFICATION OF CHARGES


FIRST SPECIFICATION

FAILURE TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(15) by failing to comply with an order issued pursuant to subdivision seven of section two hundred thirty of the Public Health Law, as alleged in the facts of:

2. Paragraphs A and A1.

DATED: July 16, 2007
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct