

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

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IN THE MATTER  
OF  
ADAM NAAMAN, M.D.

CONSENT  
ORDER

BPMC No. #08-235

Upon the application of **ADAM NAAMAN, M.D.**, (Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12-11-08

Redacted Signature

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KENDRICK A. SEARS, M.D.  
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  
  
ADAM NAAMAN, M.D.  
CO-08-04-2517-A

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CONSENT  
  
AGREEMENT  
  
AND ORDER

ADAM NAAMAN, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about February 20, 1973, I was licensed to practice as a physician in the State of New York, and issued license number 115543 by the New York State Education Department.

My current address is : Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely on the April 11, 2008, Texas Medical Board, Mediated Agreed Order.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a permanent restriction from practicing bariatric surgery in the state of New York, a requirement that I comply fully with the April 11, 2008, Mediated Agreed Order of the Texas Medical Board, and that I keep my New York State license registration active.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, I do not contest the two (2) Specifications, and:

I agree, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state  
or seek to reapply for a license to practice medicine in New York state.

I stipulate, hereby, that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I make, hereby, this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 12/2/2007

Redacted Signature

ADAM NAAMAN, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 6 Dec 2008

Redacted Signature

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 12/9/08

Redacted Signature

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
ADAM NAAMAN, M.D.  
CO-08-04-2517-A

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STATEMENT  
OF  
CHARGES

ADAM NAAMAN, M.D., Respondent, was authorized to practice medicine in New York state on February 20, 1973, by the issuance of license number 115543 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 11, 2008, the Texas Medical Board (hereinafter "Texas Board"), by a Mediated Agreed Order (hereinafter "Texas Order"), inter alia, required Respondent to notify the Texas Board in writing that he has resumed performing bariatric surgeries; that he provide the Texas Board with written notice within 30 days of the first scheduled bariatric surgery; within 180 days from the date of such surgery that he provide access to his medical records of bariatric surgery cases..., that he enroll in and complete a medical recordkeeping course offered by PACE; and that he pay a \$2,000.00 administrative penalty, based on failure to practice medicine in an acceptable professional manner consistent with public health and welfare.

B. The conduct resulting in the Texas 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence); and/or
3. New York Education Law §6530(32) (failure 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(9)(b) by having 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:

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

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having 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 New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *Nov 6*, 2008  
Albany, New York

Redacted Signature

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