



STATE OF NEW YORK
DEPARTMENT OF HEALTH

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

Richard F. Daines, M.D.
Commissioner

Public

James W. Clyne, Jr.
Executive Deputy Commissioner

October 8, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark L. Furman, Esq.
Hoffman, Polland & Furman, PLLC
220 East 42nd Street – Suite 435
New York, New York 10017

Alexander V. Israeli, M.D.

REDACTED

Robert Bogan, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237-0032

RE: In the Matter of Alexander V. Israeli, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 10-188) 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.

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 Respondent or the Department may seek a review of a committee determination.

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,

REDACTED

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

IN TH MATTER

OF

ALEXANDER V. ISRAELI, M.D.

:
:
: **Determination**
: **and Order**

:
:
: BPMC #10-188

:
:
: **COPY**

A notice of referral proceeding and statement of charges, both dated March 8, 2010, were served on Respondent **Alexander V. Israeli, M.D.** The statement of charges alleged violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York, on July 22, 2010. Hearing committee deliberations took place on September 16, 2010 in New York City.

Pursuant to Public Health Law 230(10)(e), **Sheldon H. Putterman, M.D.**, Chairperson, **Petros Levounis, M.D., M.A.**, and **Frances E. Tarlton**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Thomas G. Conway, Esq.**, General Counsel, and appeared by **Robert Bogan, Esq.**, of counsel. **Alexander V. Israeli, M.D.** (the Respondent) appeared and was represented by **Mark L. Furman, Esq.** Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the hearing committee issues this determination and order.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of Health (the Department), and authorized it to conduct disciplinary proceedings in matters of professional medical conduct.

Definitions of professional misconduct applicable to physicians, physician assistants and specialist assistants are set forth in Ed.L 6530 and 6531. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(i).

Pursuant to PHL 230(10)(p), a "direct referral procedure" is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

Witnesses for the Petitioner:	None
Petitioner exhibits:	Department Exhibits 1-4.
Witnesses for the Respondent:	Alexander V. Israeli, M.D.
Respondent exhibits:	Respondent Exhibits A-B.

A transcript of the proceedings was made. (Hearing transcript, pages 1-30.)

FINDINGS OF FACT

An opportunity to be heard having been afforded the parties and evidence having been considered¹, it is hereby found:

1. Respondent Alexander V. Israeli, M.D. was authorized to practice medicine in New York State on July 12, 2002 under license number 225588. (Department Exhibit 3.)
2. On February 2, 2009, in the Supreme Court of the State of New York, Queens County, the Respondent was found guilty, based upon a plea of guilty, of insurance fraud in the fourth degree, in violation of New York Penal Law 176.15, a class E felony. On February 25, 2009, the Respondent was sentenced to a three year conditional discharge, and a total of \$320 in fees and surcharges. (Department Exhibit 4.)

HEARING COMMITTEE DETERMINATION

The Petitioner presented records obtained from the Queens County Supreme Court. (Department Exhibit 4.) The Respondent acknowledged that the records were accurate and that he had pleaded guilty to one count of insurance fraud. (Hearing transcript, pages 14-15.) The hearing committee unanimously concluded that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(a)(i) which defines professional misconduct, in pertinent part, as "Being convicted of committing an act constituting a crime under... New York State law."

The committee recognized the seriousness of the crime in question, which was insurance fraud in connection with medical billing. The committee agreed that disciplinary action was appropriate. The committee noted, however, that there is no basis in this hearing

¹ Committee member Petros Levounis, M.D., M.A. was not present for the entirety of the July 22, 2010 hearing. (Transcript, page 25.) Dr. Levounis subsequently affirmed, pursuant to PHL 230(10) and 10 NYCRR 51.11(d)(9), that he had read and considered the entirety of the evidence and transcript of the hearing. Dr. Levounis was present for the entirety of the committee's deliberations on September 16, 2010.

record to question the Respondent's medical competence, nor is there evidence of any other offenses. The committee also noted and credited the Respondent's expressions of considerable remorse over his misconduct.

The committee considered the range of penalties available and determined that a censure and reprimand pursuant to PHL 230-a(1) was the appropriate penalty in this case. The hearing committee's vote was unanimous (3-0).

ORDER

IT IS HEREBY ORDERED THAT:

1. The charge and specification in the statement of charges is sustained.
2. The Respondent is hereby censured and reprimanded.
3. This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York

Oct 1,

, 2010

By:

REDACTED

SHELDON H. PUTTERMAN, M.D.
Chairperson

Petros Levounis, M.D., M.A.
Frances E. Tarlton

To: Robert Bogan, Esq., Associate Counsel
Bureau of Professional Medical Conduct
Coming Tower, Empire State Plaza
Albany, New York 12237-0032

Mark L. Furman, Esq.
Hoffman Polland & Furman, PLLC
220 East 42nd Street, Suite 435
New York, New York 10017

Alexander V. Israeli, M.D.
REDACTED

APPENDIX I



IN THE MATTER
OF
ALEXANDER V. ISRAELI, M.D.
CO-09-02-0583-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: ALEXANDER V. ISRAELI, M.D.
153-25 Hillside Ave.
Jamaica, NY 11432

ALEXANDER V. ISRAELI, M.D.
7909 B. Northern Blvd.
Jackson Heights, NY 11372

ALEXANDER V. ISRAELI, M.D.

REDACTED

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **ALEXANDER V. ISRAELI, M.D.**, Respondent, licensed to practice medicine in the State of New York on July 12, 2002, by license number 225588, has been convicted of committing an act constituting a felony under New York state law, in the Supreme Court of the State of New York, Queens County, New York, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **ALEXANDER V. ISRAELI, M.D.**, shall not practice medicine 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. 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 VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION 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 21st day of April, 2010, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th 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. 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, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. 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 Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, 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. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, 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
5/8/2010

REDACTED

RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

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

IN THE MATTER
OF
ALEXANDER V. ISRAELI, M.D.
CO-09-02-0583-A

STATEMENT
OF
CHARGES

ALEXANDER V. ISRAELI, M.D., Respondent, was authorized to practice medicine in New York state on July 12, 2002, by the issuance of license number 225588 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 2, 2009, in the Supreme Court of the State of New York, Queens County, New York, Respondent was found guilty, based on a plea of guilty of ~~two (2)~~ ^{one (1)} counts of insurance fraud in the fourth degree, in violation of New York Penal Law §176.15, a class E felony, and on or about ~~October~~ ^{February 8} 25, 2009, was sentenced to a three (3) year conditional discharge, a \$10.00 CVA, a \$50.00 DNA, and a \$250.00 Surcharge. 02/18/10

SPECIFICATION

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

1. The facts in Paragraph A.

DATED: *March 8*, 2010
Albany, New York

REDACTED

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