



*Public*  
**New York State Board for Professional Medical Conduct**  
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

*Richard F. Daines, M.D.*  
*Commissioner*  
*NYS Department of Health*  
*James W. Clyne, Jr.*  
*Executive Deputy Commissioner*  
*Keith W. Servis, Director*  
*Office of Professional Medical Conduct*

*Kendrick A. Sears, M.D.*  
*Chair*  
*Carmela Torrelli*  
*Vice Chair*  
*Katherine A. Hawkins, M.D., J.D.*  
*Executive Secretary*

June 9, 2010

**CERTIFIED MAIL-RECEIPT REQUESTED**

Adel W. Aziz, M.D.

REDACTED

Re: License #114196

Dear Dr. Aziz:

Enclosed is a copy of your **Non-disciplinary Order of Conditions** pursuant to Public Health Law Section 230. The order is effective June 16, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

cc: Barbara Ryan, Esq.  
Aaronson, Rappaport, Feinstein & Deutsch, LLP  
757 Third Avenue  
New York, NY 10017

**IN THE MATTER  
OF  
ADEL WILLIAM AZIZ, M.D.**

**ORDER  
OF CONDITIONS  
PURSUANT TO  
N.Y. PUB. HEALTH  
LAW § 230**

Upon the application of ADEL WILLIAM AZIZ, M.D. (Licensee) in the attached Stipulation and Application for an Order of Conditions Pursuant to N.Y. Pub. Health Law § 230 (Application), which is made a part of this Order of Conditions Pursuant to N.Y. Pub. Health Law § 230 (Order), it is agreed that:

- the Application and its terms are adopted; and
- this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Order by first class mail to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, *or* upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

**SO ORDERED.**

DATE: 6-9-2010

REDACTED

KENDRICK A. SEARS, M.D.  
Chair

State Board for Professional Medical Conduct

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

**IN THE MATTER  
OF  
ADEL WILLIAM AZIZ, M.D.**

STIPULATION AND  
APPLICATION  
FOR AN ORDER  
OF CONDITIONS  
PURSUANT TO  
N.Y. PUB. HEALTH  
LAW § 230

ADEL WILLIAM AZIZ, M.D., represents that all of the following statements are true:

That on or about October 10, 1972, I was licensed to practice as a physician in the State of New York and issued License No. 114196 by the New York State Education Department.

My current address is REDACTED

I am not currently affiliated with any hospitals or facilities. My most recent affiliations were with the following hospitals and/or facilities:

- St. John's Episcopal Hospital
- South Shore Anesthesiology

I retired from the active practice of medicine in August 2009, and it is my intention to remain permanently retired.

I understand that the New York State Board for Professional Medical Conduct ("the Board") is currently investigating the issues set forth in attached Exhibit "A".

Upon issuance of the Order of Conditions, I shall notify the New York State Education Department, Division of Professional Licensing Services, that my license is currently and permanently inactive, and I shall comply with the Conditions set forth in Exhibit "B" (Requirements for Closing a Practice). I ask that the Board and the Director of the Office of Professional Medical Conduct ("the Director") conclude the investigation of these issues, in reliance upon the results of the investigation to date and upon my representation that I shall remain permanently retired from the active practice of medicine commencing on the Order's effective date, provided I successfully and without incident comply with the Conditions set forth below. In consideration of the Board and the

Director granting this Application, and upon the Board's election not to bring disciplinary charges against me, I agree that the Board and the Director shall issue an Order of Conditions Pursuant to N.Y. Pub. Health Law § 230. This Order shall remain in effect, and shall set the following *Conditions* upon my practice:

1. Licensee shall remain permanently retired from the practice of medicine. Licensee's license to practice medicine shall remain on "inactive" status. Within 30 days of the issuance of the Order of Conditions, Licensee shall notify the New York State Education Department, Division of Professional Licensing Services, that his license status is "inactive," and shall provide proof of such notification to the Director of OPMC immediately upon having done so. Licensee shall not rely upon his license to practice medicine to exempt him from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State.
2. Licensee shall cooperate fully with OPMC in its administration and enforcement of this Order and in its investigation of Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of compliance with the terms of this Order, meet in person with the Director's designee, and respond promptly and provide all documents and information within Licensee's control to OPMC, as directed. This Condition shall take effect upon the Order's effective date and shall continue while Licensee possesses a license.
3. Licensee shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients, in accordance with the requirements of governing law and attached Exhibit "B".
4. Licensee shall comply with this Order, and all its terms and Conditions, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with or violation of these terms, the Director and/or the Board may initiate a proceeding against Licensee under N.Y. Pub. Health Law § 230.

I stipulate that my failure to comply with these conditions shall constitute misconduct as defined in N.Y. Educ. Law § 6530(29). I agree that if I am charged with professional misconduct in future, this Order **shall** be admitted into evidence in that proceeding.

I understand that nothing in this Application shall be construed as an admission by me of any act of alleged misconduct or as a finding of misconduct as to those issues referred to in Exhibit "A". I deny any acts of misconduct and reserve my right to assert all defenses I may have in any later or other proceeding.

I understand and agree that my failure to comply with, successfully complete, or satisfy any of the material conditions of this Order shall vest the Director with the authority, in the exercise of reasonable discretion, to vacate this agreement and shall permit the Director to pursue further investigation and/or prosecution of misconduct charges against me as to the issues set forth in Exhibit "A" to the full extent authorized by the Public Health Law and the Education Law.

I understand that an Order issued upon this Application does not bar prosecution for professional misconduct based upon allegations of violations of N.Y. Educ. Law § 6530 unrelated to the issues set forth in Exhibit "A," whether those alleged violations occurred before or after this Application. The Director may, at such time, also direct counsel to prepare charges that include allegations as to the issues set forth in Exhibit "A."

I agree that, if the Board grants this Application, the Chair of the Board shall issue an Order of Conditions in accordance with its terms. I further agree that the Department of Health shall notify the National Practitioner Data Bank and the Federation of State Medical Boards of this Order of Conditions pursuant to N.Y. Pub. Health Law § 230 and that the change in my licensure status is not disciplinary in nature. This Order of Conditions shall be posted on the Department of Health website(s).

I make this Application of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Application, I waive my right to contest the Order for which I apply, whether administratively or judicially, I agree to be bound by the Order, and I ask that the Board grant this Application

I understand and agree that the attorney for the Department of Health, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my Application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

5/27/10  
DATE

REDACTED  
ADEL WILLIAM AZIZ, M.D.  
Licensee

STIPULATION AND  
APPLICATION  
FOR A ORDER  
OF CONDITIONS  
PURSUANT TO  
N.Y. PUB. HEALTH  
LAW § 230

**IN THE MATTER  
OF  
ADEL WILLIAM AZIZ, M.D.**

The undersigned agree to Licensee's attached Application and to the issuance of the proposed Order of Conditions Pursuant to N.Y. Pub. Health Law § 230.

DATE: 5/26/10

REDACTED

BARBARA A. RYAN, ESQ.  
Attorney for Licensee

DATE: May 27, 2010

REDACTED

MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 6/8/10

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



## EXHIBIT "B"

### Requirements for Closing a Medical Practice

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under his New York license, in accordance with the terms of the Order of Conditions. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Within 15 days of the Order of Conditions' effective date, Licensee shall notify his patients that he has withdrawn from the active practice of medicine and placed his medical license on "inactive status," and shall refer all patients to another licensed practicing physician for their continued care, as appropriate. Within 15 days of the Order of Conditions' effective date, Licensee shall give written notice to each health care plan with which he contracts or is employed, and to each hospital where he has privileges, that he has withdrawn from the active practice of medicine and has placed his medical license on "inactive" status. Within 45 days of the Order of Conditions' effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified that he has withdrawn from the active practice of medicine and placed his medical license on "inactive" status.
3. Licensee shall make arrangements for the transfer and maintenance of the medical records of his patients. Within 30 days of the Order of Conditions' effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and is made available only to authorized persons. When a patient, or a patient's representative, requests a copy of the patient's medical record, or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
4. If Licensee holds a Drug Enforcement Administration (DEA) certificate, within 15 days of the Order of Conditions' effective date, Licensee shall surrender any DEA controlled substance privileges issued pursuant to his N.Y.S. license to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA. Within 30 days thereafter, Licensee shall provide documentary proof of these transactions to the Director of OPMC.

5. Within 15 days of the Order of Conditions' effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall cause all prescription pads bearing his name to be destroyed, and, if no other licensee is providing services at his practice location, all medications shall be properly disposed of. Within 30 days thereafter, Licensee shall provide documentary proof of these transactions to the Director of OPMC.
6. Within 15 days of the Order of Conditions' effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, or professional listings, whether in telephone directories, internet or otherwise, professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
7. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by him or by others while licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order of Conditions' effective date.
8. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order of Conditions' effective date.
9. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law, and/or penalties for professional misconduct, as set forth in N.Y. Pub. Health Law § 230-a, including revocation of license and fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty.