



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower    The Governor Nelson A. Rockefeller Empire State Plaza    Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
*Commissioner*

Paula Wilson  
*Executive Deputy Commissioner*

November 7, 1994

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Abdul Hafeez Abbasi  
82-80 94th Street  
Woodhaven, New York 11421

Marcia Kaplan, Esq.  
NYS Dept. of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

Louis M. Freeman, Esq  
Freeman, Nooter & Ginsberg, Esqs.  
The Woolworth Building  
233 Broadway, Suite 3201  
New York, New York 10001

**RE: In the Matter of Abdul Hafeez Abbasi, M.D.**

Dear Dr. Abbaasi, Ms. Kaplan & Mr. Freeman :

Enclosed please find the Determination and Order (No. 94-131) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

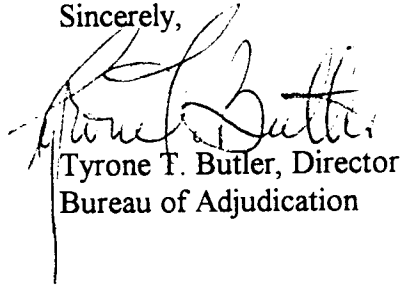
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified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

Office of Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 438  
Albany, New York 12237

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler", is written over a horizontal line. The signature is fluid and cursive.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:

Enclosure

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

**IN THE MATTER  
OF  
ABDUL HAFEEZ ABBASI, M.D.**

**ADMINISTRATIVE  
REVIEW BOARD  
DECISION AND  
ORDER NUMBER  
ARB NO. 94-131**

The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.** held deliberations on September 30, 1994 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) August 1, 1994 Determination finding Dr. Abdul Hafeez Abbasi (Respondent) guilty of professional misconduct. Both the Office of Professional Medical Conduct (Petitioner) and the Respondent requested the Review through Notices which the Board received on August 11, 1994 and August 12, 1994. James F. Horan served as Administrative Officer to the Review Board. Marcia Kaplan, Esq. filed a brief for the Petitioner on September 12, 1994 and a reply brief on September 27, 1994. Louis Freeman, Esq. filed a brief for the Respondent on September 20, 1994.

**SCOPE OF REVIEW**

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board

### **HEARING COMMITTEE DETERMINATION**

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i) , which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent had been convicted in New York State Supreme Court for Bronx County for Grand Larceny in the Third Degree, a Class D Felony, and on seventeen counts for Offering a False Instrument for Filing, Class E Felonies. The conviction arose from charges that the Respondent submitted or caused to be submitted Medicaid claims which resulted in the Soundview Medical Building and BZM Realty receiving in excess of Three Thousand (\$3,000.00) Dollars in Medicaid reimbursement for services to which it was not entitled and in which the Respondent shared. The Respondent was sentenced to incarceration for one year and ordered to pay a civil penalty of Seventy- Five Thousand (\$75,000.00) Dollars.

The Hearing Committee voted to suspend the Respondents license for three years, with two years stayed and placed the Respondent on probation. The Committee noted that the Respondent testified at the hearing that he was merely the landlord for Soundview Medical Building and BZM and not involved in their medical practice. The Respondent told the Committee that he had no knowledge that he was receiving rent which was elicited from fraudulent Medicaid claims. The Committee concluded that the Respondent's role as landlord, his pending incarceration and his obligation to pay the large fines were mitigating factors. The Committee felt that the Respondent had been punished enough and that revocation of the Respondent's license was not warranted.

### **REQUESTS FOR REVIEW**

The Petitioner asks the Review Board to overturn the Hearing Committee's Determination and revoke the Respondent's license to practice medicine in New York State. The Petitioner contends that the one year actual suspension and probation does not adequately address the Respondent's misconduct. The Petitioner contends that the factors which the Hearing Committee cited as mitigating, and which influenced the Committee to impose a penalty less severe than revocation, were really aggravating factors. The Petitioner contends that, although the Respondent claimed to have been unaware of the Medicaid fraud, an essential element of Filing a False Instrument is knowledge that the instrument contained false statements. The Petitioner also points out that both the period of incarceration and the large fine demonstrate that the sentencing court found the Respondent's crimes to be quite serious. The Petitioner contends that the Respondent engaged in a concerted fraud which caused substantial harm to the Medicaid program.

The Respondent opposes the Petitioner's request that the Review Board overturn the Hearing Committee's Penalty and revoke Dr. Abbasi's license to practice medicine in New York. The Respondent argues that sanction imposed by the Hearing Committee adequately addresses the Respondent's conduct. The Respondent argues that a review of the facts surrounding the Respondent's conviction will actually lead to the conclusion that a lesser sanction is warranted. The Respondent notes that the Respondent has an unblemished record as a physician, that the Penalty in the Respondent's case is severe and that the Penalty will cause severe consequences for the Respondent.

### **REVIEW BOARD DETERMINATION**

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding Dr. Abbasi guilty of professional misconduct. That Determination is consistent with the Committee's finding that the Respondent was found guilty one count of grand larceny and seventeen counts of

offering a false instrument for filing, arising from the Respondent's participation in a scheme to defraud the Medicaid Program.

The Review Board overrules the Hearing Committee and votes to revoke the Respondent's license to practice medicine in New York State. We find that the Hearing Committee's Penalty is inappropriate in view of the serious nature of the Respondent's misconduct. The Respondent knowingly participated in a scheme to defraud the Medicaid Program. Medicaid Fraud is a violation of the public's trust in the medical profession and revocation is appropriate penalty for fraud in which the Respondent knowingly violated the public trust for his own financial gain. This fraud occurred while the Respondent was a Physician, even though the fraud did not arise from the Respondent's care of patients. The Board does not accept the Respondent's excuse that he was unaware of the fraudulent scheme. The Respondent was convicted of seventeen counts of Offering A False Instrument For Filing. The elements of that crime include knowing that the instrument is false and intending to defraud. The Respondent may not relitigate his criminal conviction before the Hearing Committee by claiming that he was not aware of the fraudulent scheme. The Review Board finds that the criminal sanctions in this case, both the period of incarceration and the large fine, demonstrate the serious nature of the Respondent's offenses.

**ORDER**

NOW, based upon this Determination, the Review Board issues the following

**ORDER:**

1. The Review Board **sustains** the Hearing Committee's August 1, 1994 Determination finding Dr. Abdul Hafeez Abbasi guilty of professional misconduct.
2. The Review Board **overrules** the Hearing Committee's Determination suspending the Respondent's license for three years, with two years stayed, and placing the Respondent on probation.
3. The Review Board **revokes** the Respondent's license to practice medicine in New York State.

**ROBERT M. BRIBER**

**SUMNER SHAPIRO**

**WINSTON S. PRICE, M.D.**

**EDWARD SINNOTT, M.D.**

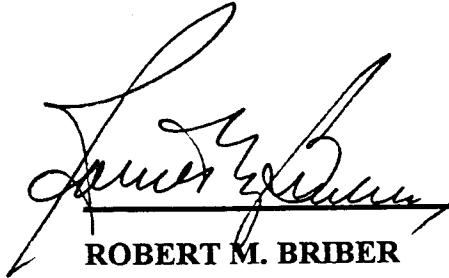
**WILLIAM A. STEWART, M.D.**

**IN THE MATTER OF ABDUL HAFEEZ ABBASI, M.D.**

**ROBERT M. BRIBER**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Abbasi.

**DATED: Albany, New York**

Oct 18, 1994



**ROBERT M. BRIBER**

**IN THE MATTER OF ABDUL HAFEEZ ABBASI, M.D.**

**SUMNER SHAPIRO**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Abbasi.

**DATED: Delmar, New York**

DEC 26, 1994



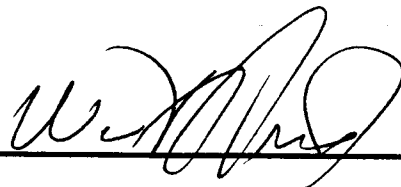
**SUMNER SHAPIRO**

**IN THE MATTER OF ABDUL HAFEEZ ABBASI, M.D.**

**WINSTON S. PRICE, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Abbasi.

**DATED: Brooklyn, New York**

\_\_\_\_\_, 1994

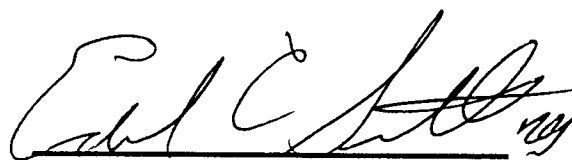
  
\_\_\_\_\_  
**WINSTON S. PRICE, M.D.**

**IN THE MATTER OF ABDUL HAFEEZ ABBASI, M.D.**

**EDWARD C. SINNOTT, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Abbasi.

**DATED: Roslyn, New York**

October 24, 1994

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", with a horizontal line underneath. To the right of the signature, the year "1994" is written.

**EDWARD C. SINNOTT, M.D.**

**IN THE MATTER OF ABDUL HAFEEZ ABBASI, M.D.**

**WILLIAM A. STEWART, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Abbasi.

**DATED: Syracuse, New York**

18 Oct, 1994

A handwritten signature in cursive script, reading "William A. Stewart". The signature is written in dark ink and is positioned above the printed name.

**WILLIAM A. STEWART, M.D.**



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower    The Governor Nelson A. Rockefeller Empire State Plaza    Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.

*Commissioner*

Paula Wilson

*Executive Deputy Commissioner*

August 1, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Abdul Hafeez Abbasi, M.D.  
82-80 94th Street  
Woodhaven, New York 11421

Louis M. Freeman, Esq.  
Freeman, Nooter & Ginsberg, Esqs.  
The Woolworth Building  
233 Broadway, Suite 3201  
New York, New York 10001

Marcia Kaplan, Esq.  
Associate Counsel  
NYS Department of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

**RE: In the Matter of Abdul Hafeez Abbasi, M.D.**

Dear Dr. Abbasi, Mr. Freeman and Ms. Kaplan :

Enclosed please find the Determination and Order (No. 94-131) 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 if said license has been revoked, annulled, suspended or surrendered, 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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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,

A handwritten signature in dark ink, appearing to read "Tyrone T. Butler / mmn".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mmn

Enclosure

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

**IN THE MATTER  
OF  
ABDUL HAFEEZ ABBASI, M.D.**

**DETERMINATION  
AND  
ORDER**

NO. BPMC-94-131

A Notice of Hearing and Statement of Charges, both dated March 17, 1994, were served upon the Respondent, **ABDUL HAFEEZ ABBASI, M.D.** **ROBERT BRUCE BERGMANN, M.D.**, (Chair), **ANDREW CONTI, M.D.**, and **EUGENIA HERBST**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on April 27, 1994. The Department of Health appeared by **MARCIA KAPLAN, Esq.**, Associate Counsel. The Respondent appeared by, **FREEMAN, NOOTER & GINSBERG, ESQS.**, **LOUIS M. FREEMAN, ESQ.** of counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

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

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior

administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9) (a) (i). A Copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on July 11, 1990 by the issuance of license number 183025 by the New York State Education Department. (Pet. Ex. #2)
2. On September 24, 1992, Respondent was convicted in the Supreme Court of the State of New York, County of Bronx of Grand Larceny in the Third Degree, a Class D felony, one count in violation of Section 155.35 of the Penal Law. Respondent was also convicted of Offering A False Instrument for Filing in the First Degree, a Class E felony, seventeen counts, in violation of Section 175.35 of the Penal Law. (Pet. Ex. 3A, 3B and 3 C)
3. The indictment on which the convictions were based stated that Respondent submitted or caused to be submitted Medicaid claims which falsely stated that Soundview Medical Building and BZM Realty had rendered radiological services to Medicaid patients. As a result, Soundview Medical Building and BZM Realty received in excess of \$3000 in Medicaid reimbursement for services to which it was not entitled and in which the Respondent shared. (Pet. Ex. 3C)

4. On September 24, 1992, The Respondent was sentenced to eighteen concurrent definite terms of one year incarceration and ordered to make restitution in the amount of \$75,000. (Pet. Ex. 3B)

5. At the hearing Respondent testified that he is Board Certified in internal medicine and that he is currently participating in a cardiology fellowship program at Columbia University and Harlem Hospital. (T. 26, 27)

### **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 unless noted otherwise.

The Hearing unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was convicted of Grand Larceny in the Third Degree and also of Offering a False Instrument for Filing in the First Degree, in violation of the New York Penal Code. He was sentenced to one year incarceration and ordered to make restitution in the amount of \$75,000. Section 6530 (9) (a) (i) of the Education Law defines professional misconduct as "being convicted of committing an act constituting a crime under New York state law." As a result, the Hearing Committee voted to sustain the First Specification of professional misconduct contained within the Statement of Charges.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be suspended for three years following the effective date of this

Determination and Order. Two years of the suspension shall be stayed, and Respondent placed on probation. The complete terms of probation are attached to this Determination and Order in Appendix II. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

At the hearing Respondent acknowledged his conviction, but testified that he was merely the landlord for Soundview Medical Building and BZM Royalty, Inc. and not involved in their medical practice. (T. 88) He further testified that under the terms of the lease agreement, Soundview's rent was based upon a percentage of its income. Respondent further testified that he had no knowledge that the income he received as rent from Soundview was elicited through fraudulent Medicaid claims. Respondent also acknowledged that he should have paid closer attention to what was going on at the medical office that was situated in his building. (T.97)

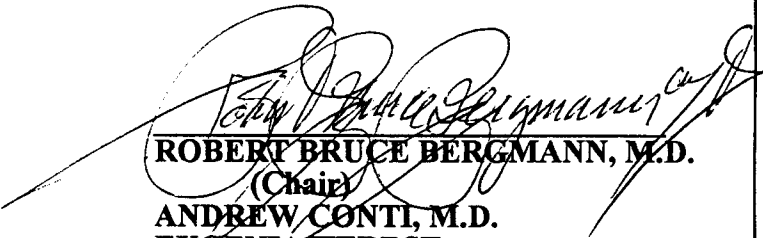
Notwithstanding his explanation, Respondent stands convicted of a crime involving fraud against Medicaid. The conviction was unanimously affirmed by the Appellate Division, First Department. (Pet. Ex. 3A) The Hearing Committee believes that crimes against the Medicaid system have a serious impact upon the health care system in the State of New York. However, the Hearing Committee has considered several factors which they believe preclude the revocation of Respondent's license in this instance. These include Respondent's pending one year incarceration, his obligation to make monetary restitution in the amount of \$75,000 and his role as landlord as opposed to physician in this matter. The Hearing Committee concluded that Respondent has already been significantly punished and that revocation is not warranted. However, the Hearing Committee is obliged to protect the public interest from fraud against Medicaid and to deter Respondent and other physicians from future acts of professional misconduct of this nature. Under the totality of the circumstances, partial suspension and probation are the appropriate sanctions in this instance.

**ORDER**

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

1. The Specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**;
2. Respondent's license to practice medicine in New York State be and hereby is **SUSPENDED** for a period of three years from the effective date of this Determination and Order. Two years of the suspension shall be stayed, and respondent shall be placed on probation in accordance with the terms of probation contained in Appendix II which is attached to this Determination and Order and incorporated herein.

**Dated:** Albany, New York  
*July 28*, 1994

  
**ROBERT BRUCE BERGMANN, M.D.**  
(Chair)  
**ANDREW CONTI, M.D.**  
**EUGENIA HERBST**

TO: Marcia Kaplan, Esq.  
Associate Counsel  
NYS Department of Health  
5 Penn Plaza - 6th Floor  
New York, NY 10001

Louis M. Freeman, Esq.  
Freeman, Nooter & Ginsberg, Esqs.  
The Woolworth Building  
233 Broadway, Suite 3201  
New York, NY 10001

Abdul Hafeez Abbasi, M.D.  
82-80 94th Street  
Woodhaven, NY 11424

## APPENDIX I

1

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

-----X  
IN THE MATTER :  
OF :  
ABDUL HAFEEZ ABBASI, M.D. :  
-----X

NOTICE OF  
REFERRAL  
PROCEEDING

TO: ABDUL HAFEEZ ABBASI, M.D.  
82-80 94th Street  
Woodhaven, N.Y. 11421

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 27th day of April 1994 at 1:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before April 18, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before April 18, 1994 and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: New York, New York

*March 17, 1994*



---

CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Marcia E. Kaplan  
Associate Counsel  
212-613-2615 }

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
ABDUL HAFEEZ ABBASI, M.D. : CHARGES  
-----X

ABDUL HAFEEZ ABBASI, M.D., the Respondent, was authorized to practice medicine in New York State on July 11, 1990 by the issuance of license number 183025 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994.

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF  
AN ACT CONSTITUTING A CRIME  
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(i) (McKinney Supp. 1994) in that he has been convicted of committing an act constituting a crime under New York State law, specifically:

On or about September 24, 1992, the Respondent was convicted, after a jury trial, in the Supreme Court of the State of New York, County of Bronx, of the following:

a) Grand Larceny in the Third Degree, a Class D felony, one count, in violation of Section 155.35 of the Penal Law, in that from on or about November 1, 1987 to on or about May 16, 1988, the Respondent stole from New York State and its fiscal agent, Computer Sciences Corporation, by submitting magnetic tapes constituting Medicaid claims which represented falsely that he, through Soundview Medical Building and BZM Royalty, Inc., had rendered radiological services to Medicaid patients, in reliance upon which he was paid inappropriately in excess of \$3000;

b) Offering A False Instrument for Filing in the First Degree, a Class E felony, seventeen counts, in violation of Section 175.35 of the Penal Law, in that in or about December 1987 and January 1988, Respondent, with the intent to defraud the State of New York, knowingly offered and presented to Computer Sciences Corp., its fiscal agent for the Medicaid program, magnetic diskettes constituting claims for reimbursement for medical services containing false statements and false information claiming that radiological services in connection with the diagnosis and treatment of patients had been provided by Soundview Medical Building which he knew had not been done and which he knew would be filed in and would become part of the record of the Medicaid program.

On or about September 24, 1992, the Respondent was sentenced to eighteen concurrent definite terms of one year incarceration and restitution of \$75,000.

DATED: New York, New York

March 17, 1984

A handwritten signature in cursive script, appearing to read "Chris Stern Hyman", written over a horizontal line.

Chris Stern Hyman  
Counsel  
Bureau of Professional Medical  
Conduct

## APPENDIX II

f

APPENDIX II  
TERMS OF PROBATION

1. Dr. Abassi shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.

2. Dr. Abassi shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.

3. Dr. Abassi shall submit prompt written notification to the Board addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237, regarding any change in employment, practice, residence or telephone number, within or without New York State.

4. In the event that Dr. Abassi leaves New York to reside or practice outside the State, Dr. Abassi shall notify the Director of the Office of Professional Medical Conduct in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure and return. Periods of residency or practice outside New York shall toll the probationary period, which shall be extended by the length of residency or practice outside New York.

5. Dr. Abassi shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct during the period of probation. During these quarterly meetings Dr. Abassi's professional performance may be reviewed by having a random selection of office records, patient records and hospital charts reviewed.

6. Dr. Abassi shall have quarterly meetings with a monitoring physician who shall review Dr. Abassi's practice. The monitoring physician shall be board-certified in internal medicine who has been in practice as such for at least five years, selected by Dr. Abassi

and subject to the approval of the Office of Professional Medical Conduct. This monitoring physician shall review randomly selected medical records and evaluate whether Dr. Abassi's medical care comports with generally accepted standards of medical practice. Dr. Abassi shall not practice medicine in New York State until an acceptable monitoring physician is approved by the Office of Professional Medical Conduct.

7. Dr. Abassi shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all terms of probation and, if not, the specifics of such non-compliance. These shall be sent to the Director of the Office of Professional Medical Conduct at the address indicated above.

8. Dr. Abassi shall submit written proof to the Director of the Office of Professional Medical Conduct at the address indicated above that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department. If Dr. Abassi elects not to practice medicine in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact.

9. If there is full compliance with every term set forth herein, Dr. Abassi may practice as a physician in New York State in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance or any other violation of the terms of probation, a violation of probation proceeding and/or such other proceedings as may be warranted, may be initiated against Dr. Abassi pursuant to New York Public Health Law Section 230(19) or any other applicable laws.