

PUBLIC

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC #: 13-111

IN THE MATTER

OF

BORIS SACHAKOV, M.D.
CO-12-06-3204-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: Boris Sachakov, No. 78495-053
MDC Brooklyn
P.O. Box 329002
Brooklyn, NY 11232

The undersigned, Nirav R. Shah, M.D. M.P.H., 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 **Boris Sachakov, M.D.**, Respondent. New York license number 228161, has been convicted of committing an act constituting a felony under Federal law, 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), that effective immediately, **Boris Sachakov, 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.

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 20th day of June, 2013, at 10:30 a.m., at Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, 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, Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719. 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
April 22 2013

SIGNATURE REDACTED

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Joel E. Ablove
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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CO-12-06-3204-A

STATEMENT

OF

CHARGES

BORIS SACHAKOV, M.D., Respondent, was authorized to practice medicine in New York state on April 23, 2003, by the issuance of license number 228161 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about June 13, 2012, in the United States District Court, Eastern District of New York, Respondent was found guilty, based on a verdict of guilty, of Executing a Scheme to Defraud Medicare and Private Benefit Programs, in violation of 18 U.S.C. § 1347 (count 1), and Making False Statements in Connection with the Delivery and Payment for Health Care Benefits in violation of 18 U.S.C. § 1035(a) (counts 2-6), and was sentenced on December 10, 2012 to 30 months in prison, 3 years supervised release, \$1,103,069.62 in forfeiture, and \$600.00 in fees.

SPECIFICATIONS

FIRST SPECIFICATION

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

1 The facts in Paragraph A.

DATED: *April 22*, 2013
Albany, New York

SIGNATURE REDACTED

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