

Public

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

December 16, 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harvey L. Abrams, M.D.
REDACTED

Re: License No. 131253

Dear Dr. Abrams:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-424. This order and any penalty provided therein goes into effect December 23, 2013.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

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

Enclosure

cc: Peter R. Osinoff, Esq.
Bonne Bridges Mueller O'Keefe & Nichols
3699 Wilshire Boulevard, 10th Floor
Los Angeles, CA 90010-2719

IN THE MATTER
OF
HARVEY L. ABRAMS, M.D.

CONSENT
ORDER

Upon the application of (Respondent) HARVEY L. ABRAMS, M.D. 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.

DATE: 12/14/2013

REDACTED

ARTHUR S. HENGERER, M.D.

Chair

State Board for Professional Medical Conduct

IN THE MATTER
OF
HARVEY L. ABRAMS, M.D.

CONSENT
AGREEMENT

HARVEY L. ABRAMS, M.D., represents that all of the following statements are true:

That on or about July 1, 1977 I was licensed to practice as a physician in the State of New York, and issued License No. 131253 by the New York State Education Department.

My current address is REDACTED and

I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Specifications, which are based upon the disciplinary action by the State of California, and, in full satisfaction of the charges against me, agree to the following penalty:

- That Respondent shall never re-register or activate his license to practice medicine as a physician in New York State.
- That Respondent, who does not currently practice medicine in the State of New York, nor in a jurisdiction where such practice is based solely on Respondent's New York license, shall be precluded from practicing medicine in New York State. Respondent shall also be precluded from practicing in any setting where his practice is based solely on his New York license, and shall be precluded from reliance upon his license to practice medicine in New York to exempt him from the license, 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.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents

and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on

the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent 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.

DATE 12/6/2013

REDACTED

HARVEY L. ABRAMS, M.D.
RESPONDENT

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

DATE: 12/6/13

REDACTED

PETER R. OSINOFF, ESQ.
Attorney for Respondent

DATE: 12/9/13

REDACTED

DAVID W. QUIST
Associate Attorney
Bureau of Professional Medical Conduct

DATE: 12/13/13

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

IN THE MATTER

OF

HARVEY L. ABRAMS, M.D.

STATEMENT

OF

CHARGES

HARVEY L. ABRAMS, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1977 by the issuance of license number 131253 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 22, 2012, Respondent entered into a Stipulated Settlement and Disciplinary Order ("Settlement"), adopted as a Decision and Order ("Decision") of the Medical Board of California ("Board") on or about October 15, 2012, to be effective November 14, 2012. Respondent admitted the truth of the California charge of Repeated Negligent Acts with regard to failure to document the concentration of ingredients in the injected mesotherapy solution with regard to two patients, a failure to properly date additional entries in the medical records for one of those patients, and, as to a third patient, the signing of a blank prescription form and failing to secure the signed form to prevent fraudulent use.

B. Pursuant to the terms of that Settlement, Respondent's Physician's and Surgeon's Certificate was revoked, with such revocation stayed and Respondent placed on probation for five (5) years subject to the following conditions:

- Actual suspension from the practice of medicine for a period of 45 days
- Completion of approved education courses aimed at correcting areas of deficient practice or knowledge
- Completion of an approved medical record keeping course

- Completion of an approved professionalism course (ethics course)
- Monitoring by an approved billing monitor or participation in a professional enhancement program providing for, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education
- Prohibition against supervision of physician assistants
- Various additional conditions

C. The conduct resulting in the Board's Decision against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law Sec. 6530(3) (negligence on more than one occasion) and, with regard to the failures to document treatment and date additional entries to a patient record, pursuant to New York Education Law Sec. 6530(3) (negligence on more than one occasion) and/or New York Education Law Sec. 6530(32) (failure to maintain a record).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional 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 (namely N.Y. Educ. Law §§ 6530(3) and/or (32) as alleged in the facts of the following:

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

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3) and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraph A, B and/or C.

DATE: October 25, 2013
Albany, New York

REDACTED

Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct