



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Acting Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

December 28, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Joseph Abramowitz, M.D.  


Roy Nemerson, Esq.  
NYS Department of Health  
90 Church Street – 4<sup>th</sup> Floor  
New York, New York 10007

**RE: In the Matter of Joseph Abramowitz, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-414) 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 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  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

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 (1), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the 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 penalties other than suspension or revocation 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., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

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

---

**COPY**

**IN THE MATTER  
OF  
JOSEPH ABRAMOWITZ, M.D.**

---

**DETERMINATION  
AND  
ORDER  
BPMC #16-414**

The New York State Department of Health ("Department") charged Joseph Abramowitz, M.D. ("Respondent"), with professional misconduct in violation of New York State Education Law § 6530(9)(d). The Department alleges that actions taken by Respondent, for which his medical license was disciplined in another state, constitute professional misconduct under the laws of New York State.

A hearing was held on October 19, 2016. Pursuant to Section 230(10)(e) of the Public Health Law ("PHL"), Airlie A.C. Cameron, M.D., M.P.H., Chairperson, Kristin E. Harkin, M.D., and Deborah Whitfield, M.A., Ph.D., duly designated members of the State Board for Professional Medical Conduct ("BPMC"), served as the Hearing Committee ("Committee"). Administrative Law Judge Jankhana Desai presided over the hearing.

The Department appeared by Roy Nemerson, Deputy Counsel for the Bureau of Professional Medical Conduct. Respondent did not appear at the hearing. Evidence was received and a transcript of the proceeding was made. After consideration of the entire record, the Committee voted 3-0 to sustain the charge of professional misconduct and revoke Respondent's license to practice medicine in New York State.

## BACKGROUND

This case was brought pursuant to PHL § 230(10)(p), a statute that provides for a direct referral proceeding when a licensee is charged solely with a violation of Educ. Law § 6530(9). In this case, Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d), "having his ... license to practice medicine revoked, suspended or having other disciplinary action taken..." where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State. Respondent's license was disciplined in the State of California, and the Department charges that the underlying conduct in California violates Educ. Law §§ 6530(3) (practicing the profession with negligence on more than one occasion), 6530(4) (practicing the profession with gross negligence on a particular occasion), and 6530(32) (failing to maintain a record of the patient which accurately reflected the evaluation and treatment of the patient).

The scope of this direct referral hearing is limited to whether there was a relevant administrative determination in another state and if so, an assessment of the nature and severity of the penalty to be imposed upon the licensee.

## PROCEDURAL HISTORY

Respondent did not appear at the hearing, either in person or by counsel. The Department's evidence established that the Department had met the requirements of law for due diligence in the service of process, that jurisdiction has been established over Respondent, and that the hearing could proceed on the merits notwithstanding Respondent's absence.

The Notice of Hearing states the following:

Pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior

to the date of the hearing. Any charge and allegation not so answered shall be deemed admitted.

Respondent failed to file any answer to the charges and allegations in the Statement of Charges. At the Department's request, and pursuant to PHL § 230(10)(p), the charges and allegations were deemed admitted.

### **FINDINGS OF FACT**

The following findings of fact were made unanimously by the Committee:

1. Respondent was authorized to practice medicine in New York State on or about July 22, 1983, by the issuance of license number 155124, by the New York State Education Department.

2. By Decision and Order effective February 13, 2015, the Medical Board of California adopted a Stipulated Settlement and Disciplinary Order ("California Order") signed by Respondent on September 15, 2014, which imposed disciplinary action upon him resulting from allegations of professional misconduct.

3. Pursuant to the California Order, Respondent's physician's and surgeon's certificate was revoked; however, the revocation was stayed and Respondent was placed on probation for five years with terms and conditions.

4. The Medical Board of California charged Respondent with gross negligence, repeated acts of clearly excessive prescribing, prescribing dangerous drugs without prior examination and medical indication, repeated negligent acts, and failure to maintain adequate and accurate records.

### **VOTE OF THE COMMITTEE**

The Committee unanimously sustained the charge that Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

### **COMMITTEE DETERMINATION**

Respondent was deemed to have admitted the factual allegations and specification of misconduct contained in the Statement of Charges because he failed to file a written answer. In addition, the Department's documents admitted into evidence fully supported the allegations. The Committee unanimously sustained the factual allegations and specification of misconduct contained in the Statement of Charges.

The Committee considered the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties. The Committee found that Respondent's conduct of gross negligence and prescription of dangerous drugs without performing physical examinations evidences that he is a danger to society. Respondent's failure to appear at the hearing deprived the Committee of any opportunity to consider mitigating evidence. The Committee unanimously concludes that public protection demands that Respondent's license to practice medicine in New York State be revoked.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct, as set forth in the Statement of Charges, is **SUSTAINED**.
2. Respondent's license to practice medicine in New York State is hereby **REVOKED**.
3. This Determination and Order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required by PHL 230(10)(h).

DATED: December 15, 2016

[REDACTED]

**Arlie A.C. Cameron, M.D., M.P.H., Chair**

**Kristin E. Harkin, M.D.**

**Deborah Whitfield, M.A., Ph.D.**

To:

**Joseph Abramowitz**

[REDACTED]

**Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct  
90 Church Street, 4th Floor  
New York, NY 10007**

# APPENDIX I



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

**IN THE MATTER  
OF  
JOSEPH ABRAMOWITZ, M.D.**

**NOTICE OF  
REFERRAL  
PROCEEDING**

TO: JOSEPH ABRAMOWITZ, M.D.  


**PLEASE TAKE NOTICE THAT:**

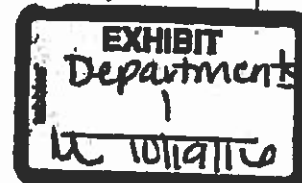
An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on October 19, 2016, at 10:00 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> Floor, New York, NY 10007.

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 who shall be an attorney admitted to practice in New York state. 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, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN,

Dept Exh.# 1



DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

**YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here: 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the 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.

**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 OUT IN NEW  
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED  
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN  
THIS MATTER.**

**DATED:** New York, New York  
August, 17 2016

  
**ROY NEMERSON**  
Deputy Counsel  
Bureau of Professional Medical Conduct

**Inquiries should be addressed to:**

**ANNA R. LEWIS**  
Associate Counsel  
Bureau of Professional Medical Conduct  
90 Church Street, 4<sup>th</sup> Floor  
New York, NY 10007  
(212) 417-4450

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

**IN THE MATTER**

**OF**

**JOSEPH ABRAMOWITZ, M.D.**

**STATEMENT**

**OF**

**CHARGES**

**JOSEPH ABRAMOWITZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 22, 1983, by the issuance of license number 155124 by the New York State Education Department.**

**FACTUAL ALLEGATIONS**

**A. On or about January 14, 2015, the Medical Board of California, Department of Consumer Affairs, State of California, issued a public Decision and Order, in which it adopted a Stipulated Settlement and Disciplinary Order in which Respondent did not contest that at an administrative hearing, the Board could establish a prima facie case with respect to the charges and allegations contained in Accusation No. 10-2011-216815, and that he has thereby subjected his Physician's and Surgeon's Certificate to disciplinary action. He further agreed that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 10-2011-216815 shall be deemed true, correct and fully admitted by him. The Board concluded that there was an adequate basis upon which to impose discipline on Respondent's license, pursuant to Sections 2227 and 2234, subdivisions (b) and (c) and 2266 of the California Business and Professions Code, in that he committed multiple acts of gross negligence and repeated acts of negligence in his care and treatment of six patients by excessively prescribing dangerous drugs.**

without appropriate examination and medical indication, and failure to maintain adequate and accurate medical records.

1. Pursuant to this Order, the Board revoked Respondent's license, stayed; probation for a period of five (5); surrender of his DEA permit; maintain records of controlled substances and access to records and inventories; Continuing Medical Education courses in Prescribing Practices and Medical Records; Physician Assessment and Clinical Training Program; Practice Monitor and no supervision of Physician Assistants during probation.
2. The conduct resulting in the Board's Decision and Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law §6530(3)(Practicing the profession with negligence on more than one occasion); §6530(4)(Practicing the profession with gross negligence on a particular occasion) and §6530(32)(Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

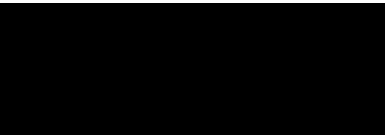
**SPECIFICATION OF CHARGES**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

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<sup>(2)(4) and (32)</sup>~~(2)(3)~~) as alleged in the facts of the following:

1. A., A.1. and A.2.

DATE: August 12, 2016  
New York, New York



Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct