



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

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

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

September 13, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jean-Michel Hassan, M.D.  
[REDACTED]

Jean-Michel Hassan, M.D.  
[REDACTED]

Jean-Michel Hassan, M.D.  
[REDACTED]

Jean-Michel Hassan, M.D.  
[REDACTED]

Marc S. Nash, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

**RE: In the Matter of Jean-Michel Hassan, M.d.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-310) 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 (l), (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**

---

**IN THE MATTER  
OF  
JEAN-MICHEL HASSAN, M.D.**

**DETERMINATION  
AND **COPY**  
ORDER**

---

BPMC #16-310

A hearing was held on August 17, 2016 at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated June 27, 2016, were served upon the Respondent, Jean-Michel Hassan, M.D.

Pursuant to Section 230(10)(e) of the Public Health Law, Peter B. Kane, M.D., Chair, Randolph H. Manning, Ph.D. and Ronald Uva, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. David A. Lenihan, Esq., Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by Marc S. Nash, Esq., of Counsel. The Respondent, Jean-Michel Hassan, M.D., did not appear, although duly served. Evidence was received 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 when 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 State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) by having been found guilty of improper 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. Respondent is also charged with violation New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, 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. Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

## WITNESSES

For the Petitioner: None  
For the Respondent: None

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to 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. All Hearing Committee findings were unanimous.

1. Jean-Michel Hassan, M.D., the Respondent, did not appear at the hearing and was duly served by substituted service of process, on June 28, 2016. (Petitioner's Exhibit 3)
2. Jean-Michel Hassan, M.D., the Respondent, was authorized to practice medicine in New York State on June 15, 2000, by the issuance of license number 217751 by the New York State Education Department. (Petitioner's Ex. 4)
3. On or about March 16, 2015, by amended formal complaint the Colorado Medical Board (Colorado Board) charged Respondent with several counts of unprofessional conduct. Counts V and VI charged Respondent with prescribing controlled substances to two patients without maintaining adequate written documentation of the care he rendered to them, failing to create a treatment plan for them, failing to monitor their responses to

their respective treatment plans, prescribing escalating amounts of narcotic medications to one patient without documenting a reason therefore, and for continuing to prescribe narcotic medications to each of the patients after determining that they were addicted to the medications, among others. (Petitioner's Ex. 6)

4. Thereafter, by Colorado Final Board Order, dated on or about October 15, 2015, the Colorado Board found that the respondent had defaulted in appearing before the disciplinary proceeding therein, and that Respondent was deemed to have admitted all of the allegations. Respondent was thus found in violation of the Colorado Medical Practice Act. His medical license was therefore revoked. (Petitioner's Ex. 6)

5. The conduct resulting in the Colorado Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York state law:

a.) New York State Education Law § 6530(3) (Practicing the profession with negligence on more than one particular occasion); and/or

b.) New York State Education Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

### **VOTE OF THE HEARING COMMITTEE**

#### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

"Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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..."

VOTE: Sustained (3-0)

### **SECOND SPECIFICATION**

"Respondent violated New York State Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, 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..."

VOTE: Sustained (3-0)

### **HEARING COMMITTEE DETERMINATION**

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Substituted Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 3) ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent and that the hearing could proceed on the merits notwithstanding the Respondent's absence.

The record in this case indicates that the Colorado Medical Board charged Respondent with several counts of unprofessional conduct. Counts V and VI of the formal complaint charged Respondent with prescribing controlled substances to two patients without maintaining adequate written documentation of the care he rendered to them, and

failing to create a treatment plan for them. The complaint went on to charge that the Respondent failed to monitor their responses to their respective treatment plans, and prescribed escalating amounts of narcotic medications to one patient without documenting a reason therefore, and for continuing to prescribe narcotic medications to each of the patients after determining that they were addicted to the medications, among others.

The Respondent did not file an answer to the Colorado charges and did not appear for the hearing. Therefore, the Colorado Board found that the respondent had defaulted in appearing before the disciplinary proceeding therein, and that Respondent was deemed to have admitted all of the allegations. Consequently, Respondent was thus found in violation of the Colorado Medical Practice Act. His medical license was therefore revoked.

Similarly, the Respondent has defaulted in this Direct Referral proceeding. The Respondent has not appeared by a New York attorney for the present matter and the Hearing commenced in his absence. The record does not contain any evidence of mitigating circumstances, or remorse. As to an appropriate penalty, the Hearing Committee considered the full range of penalties available and determined that the people of New York State would be protected by a revocation of the Respondent's license. At the hearing, the Department amended its Statement of Charges to reflect practicing the profession of medicine with negligence on more one occasion. (T. 5) The Department's attorney indicated that the record shows multiple acts of negligence rather than gross negligence. Accordingly, the charges were amended to replace New York State Education Law § 6530(4) with New York State Education Law § 6530(3).

Based on the established facts in this case the Department asked for a revocation of the Respondent's license. In its deliberations, the panel considered the full range of



penalties available in the case and determined, unanimously, that revocation would be an appropriate penalty.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. The license of the Respondent to practice medicine in New York State is revoked.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Cazenovia, New York  
September 12, 2016**



**Peter B. Kane, M.D., Chair**

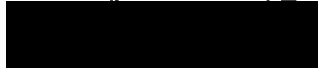
**Randolph H. Manning, Ph.D.  
Ronald Uva, M.D**

To:

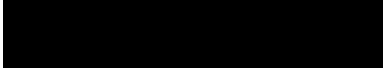
Jean-Michel Hassan, M.D.



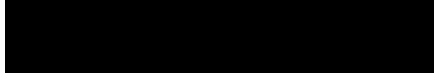
Jean-Michel Hassan, M.D.



Jean-Michel Hassan, M.D.



Jean-Michel Hassan, M.D.



Marc S. Nash, Esq.  
Attorney for Petitioner  
Senior Attorney  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237

## **APPENDIX 1**

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

IN THE MATTER  
OF  
JEAN-MICHEL HASSAN, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Jean-Michel Hassan, M.D. Jean-Michel Hassan, M.D. Jean-Michel Hassan, M.D.  
[Redacted] [Redacted] [Redacted]  
Jean-Michel Hassan, M.D.  
[Redacted]

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 Admn. 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 August 17, 2016 at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.<sup>1</sup>

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.

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".



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, 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,

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 [REDACTED]

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: Albany, New York  
June 27, 2016

[REDACTED]  
**MICHAEL A. HISER**  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

**Marc Nash**  
**Senior Attorney**  
**Bureau of Professional Medical Conduct**  
**Corning Tower – Room 2512**  
**Empire State Plaza**  
**Albany, NY 12237**  
**(518) 473-4282**

IN THE MATTER  
OF  
JEAN-MICHEL HASSAN, M.D.

STATEMENT  
OF  
CHARGES

JEAN-MICHEL HASSAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 15, 2000, by the issuance of license number 217751 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. By amended formal complaint dated on or about March 18, 2015, the Colorado Medical Board (Colorado Board) charged Respondent with several counts of unprofessional conduct. Counts V and VI charged Respondent with prescribing controlled substances to two patients without maintaining adequate written documentation of the care he rendered to them, failing to create a treatment plan for them, failing to monitor their responses to their respective treatment plans, prescribing escalating amounts of narcotic medications to one patient without documenting a reason therefore, and for continuing to prescribe narcotic medications to each of the patients after determining that they were addicted to the medications, among others. Thereafter, by Colorado Final Board Order dated on or about October 15, 2015, the Colorado Board found that the respondent had defaulted in appearing before the disciplinary proceeding therein, and that Respondent was deemed to have admitted all of the allegations. Respondent was thus found in violation of the Colorado Medical Practice Act. His medical license was therefore revoked.



B. The conduct resulting in the Colorado Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York state law:

1. New York State Education Law § 6530(4) (Practicing the profession with gross negligence on a particular occasion); and/or
2. 1. New York State Education Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

AMENDED: 6530(3) - negligence on  
more than one occasion.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent violated New York State Education 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 in that the Petitioner charges:

1. The facts in paragraphs A and B and B1 and/or A and B and B2.

**SECOND SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent violated New York State Education Law § 6530(9)(d) by having disciplinary action taken, where the conduct resulting in the disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State Law, in that Petitioner charges:

2. The facts in Paragraphs A and B and B1 and/or A and B and B2.

DATE: June 27, 2016  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct