



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

December 22, 1999

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert Bogan, Esq.  
New York State Department of Health  
Hedley Park Place  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Martin Siegel, Esq.  
150 Broadway  
Suite 1400  
New York, New York 10038-4401

Jeffrey Askanazi, M.D.  
2322 Olde Farm Lane  
Hudson, Ohio 44236

Jeffrey Askanazi, M.D.  
12445 Stacey Court  
Greenville, Michigan 48838-9003

### **RE: In the Matter of Jeffrey Askanazi, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 99-322) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), "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., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB: mla

Enclosure

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

**IN THE MATTER  
OF  
JEFFREY ASKANAZI, M.D.**

**DETERMINATION**

**AND**

**ORDER**

ORDER #99-322

**COPY**

A Notice of Referral Proceedings and Statement of Charges, both dated September 3, 1999, were served upon the Respondent, **JEFFREY ASKANAZI, M.D.**

**ARSENIO G. AGOPOVICH, M.D.**, Chairperson, **PATRICK A. FANTAUZZI, M.D.** and **REV. ROBERT EGGENSCHILLER, S.M.T.**, 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. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on December 15, 1999, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **MICHAEL MCTIGHE, ESQ.**, of Counsel. The Respondent appeared by **MARTIN SIEGEL, ESQ.**, 150 Broadway, Suite 1400, New York, New York, 10038-4401, via telephone. 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 where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(ii). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis 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. All Hearing Committee findings were unanimous unless otherwise stated.

1. **JEFFREY ASKANAZI, M.D.**, the Respondent, was authorized to practice medicine in New York State of July 1, 1976, by the issuance of license number 127263 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice in New York State. His current registration address is 12455 Satacey Court, Greenville, MI 48838-9003. (Pet's. Ex. 6)

2. On August 20, 1999, the Respondent was sentenced to three years imprisonment and three years probation based upon his conviction in United States District Court, Western District of Michigan (United States of America v. Jeffrey Askanazi, M.D., Case No. 1:98-CR-130-01) after trial of 33 counts of mail fraud in violation of 18 U.S.C. 1341. The District Court also imposed a fine of \$25,000, and ordered payment of restitution in the amount of \$411,060.56. (Pet's. Exs. 1 and 4)

**VOTE OF HEARING COMMITTEE**

**SPECIFICATION**

**CONVICTION OF AN ACT CONSTITUTING A CRIME**

**UNDER FEDERAL LAW**

The Respondent is charged with professional misconduct under New York Education Law Section 6530(9)(a)(ii) by reason of his having been convicted of committing acts constituting a crime under federal law.

**VOTE: SUSTAINED (3-0)**

## DETERMINATION OF THE HEARING COMMITTEE

The Respondent was convicted in federal court of serious crimes arising from a scheme to defraud the Medicare Program and various insurance companies. He was sentenced to three years imprisonment and three years probation. He was also fined \$25,000.00 and ordered to pay restitution in the amount of \$411,060.65.

The Respondent is currently incarcerated at the Federal Correctional Institution in Morgantown, West Virginia. He appeared at this instant hearing by Martin Siegel, Esq., 150 Broadway, Suite 1400, New York, New York 10038-4401, via telephone.

Mr. Siegel, via telephone, advised the Hearing Committee that there is an appeal pending in the criminal case before the United States Court of Appeals for the Sixth Circuit and requested that the Hearing Committee not take any action in this instant matter pending resolution of that appeal. He went so far as to indicate that he would not object to a suspension of the Respondent's license until the appeal is resolved.

The Hearing Committee denies the Respondent's request.

The Respondent did not submit any evidence in mitigation of the charges.

The Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine in the State of New York should be **REVOKED**.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby REVOKED.
2. This **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Troy, New York

Dec 17, 1999 .

  
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**ARSENIO G. AGOPOVICH, M.D.**  
Chairperson

**PATRICK A. FANTAUZZI, M.D.**  
**REV. ROBERT EGGENSCHILLER, S.M.T**

**APPENDIX ONE**

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

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IN THE MATTER : STATEMENT  
OF : OF  
JEFFREY ASKANAZI, M.D. : CHARGES

-----X

JEFFREY ASKANAZI, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1976, by the issuance of license number 127263 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice in New York State. Respondent's current registration address is 12445 Satacey Court, Greenville, MI 48838-9003.

**ALLEGATIONS**

A. On August 20, 1999, Respondent was sentenced to three years' imprisonment and three years probation based upon his conviction in United States District Court, Western District of Michigan (United States of America v. Jeffrey Askanazy, M.D., Case No. 1:98-CR-130-01) after trial of 33 counts of mail fraud in violation of 18 U.S.C. 1341, as set forth in the Third Superseding Indictment annexed hereto. The District Court also imposed a fine of \$25,000, and ordered payment of restitution in the amount \$411,060.56.

**SPECIFICATION**

CONVICTION OF AN ACT CONSTITUTING A CRIME  
UNDER FEDERAL LAW

Respondent is charged with professional misconduct under N.Y.Educ.Law Sec. 6530(9)(a)(ii) by reason of his having been convicted of committing acts constituting a crime under federal law, in that Petitioner charges the facts in Paragraph A.

DATED: September 3, 1999  
Albany, New York

*Steven B. Steinhardt*

STEVEN STEINHARDT  
Acting Counsel  
Bureau of Professional  
Medical Conduct