



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

June 13, 1994

Paula Wilson
Executive Deputy Commissioner

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Vahe Boyadjian, P.A.
883 Blvd. East, Apt. 1B
Weehawken, New Jersey 07087

Sylvia P. Finkelstein, Esq.
Associate Counsel
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Jan Levien, Esq.
Levien & Zwal
250 West 57th Street
New York, New York 10107

RE: In the Matter of Vahe Boyadjian, P.A.

Dear Mr. Boyadjian, Ms. Levien and Ms. Finkelstein :

Enclosed please find the Determination and Order (No. 94-80) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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), "(t)he 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 all action 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
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler / m m n".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

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

-----X
IN THE MATTER : DETERMINATION
OF : AND
VAHE P. BOYADJIAN, P.A. : ORDER
NO. BPMC-94-80
-----X

A Notice of Hearing and Statement of Charges, both dated December 20, 1993 were served upon the Respondent, Vahe P. Boyadjian, P.A. Peter D. Kuemmel, R. P. A. Chairperson, Leo Fishel, Jr. M.D., and Daniel Sherber, M.D., 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. Christine C. Traskos , Esq., served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this determination.

STATEMENT OF CHARGES

Respondent was charged with three specifications of misconduct regarding his application for a physician's assistant registration and his application for privileges at Bronx Lebanon Hospital. More specifically, Respondent was charged with obtaining a physician's assistant registration fraudulently and practicing the profession fraudulently.

The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part of this Determination and Order.

SUMMARY OF PROCEEDINGS

Notice of Hearing Date: December 20, 1993

Prehearing Conference: February 4, 1994

Hearing Dates: March 18, 1994

Place of Hearing: NYS Department of Health
5 Penn Plaza
New York, New York

Date of Deliberations: April 25, 1994

Petitioner Appeared By: Peter J. Millock, Esq.
General Counsel
NYS Department of Health
By: Sylvia P. Finkelstein, Esq.
Associate Counsel

Respondent Appeared By: Jan Levien, Esq.
Levien & Zwal, Esqs.
250 West 57th Street
New York, NY 10107

WITNESSES

For the Petitioner: Albert Baldassarri

For the Respondent: Karine Boyadjian
Vahe Boyadjian

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 pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited.

1. Respondent, a physician's assistant was authorized to practice as a physician's assistant in New York State on July 20, 1989, by the issuance of physician's assistant registration number 003762 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice as a physician's assistant for the period January 1, 1993 through December 31, 1995. Respondent's registration address is 883 Blvd. East, Apt. 1B, Weehawken, New Jersey 007087 (Dept. Ex.2).

2. On or about January 14, 1987, in the Supreme Court of the State of New York, County of New York, Respondent was tried and found guilty of two counts of Sexual Abuse in the Third degree, a misdemeanor. On or about March 5, 1987, upon his conviction after trial, Respondent was sentenced to one year probation, two hundred (200) hours of community service and psychiatric treatment (Dept. Ex. 3, T.79).

3. On or about June 15, 1989, respondent submitted an Application for Registration as a Physician's Assistant to the New York State Education Department (Dept. Ex.2).

4. In his application for Registration as a Physician's Assistant, in response to question No. 9, "Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?" Respondent answered "No" (Dept. Ex. 2, Ex. 3, T. 19, 99-100).

5. In the aforesaid application, in response to question No. 10, "Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than by acquittal or dismissal?" Respondent answered "No" (Dept. Ex. 2, Ex. 3, T. 18-19, 99-100).

6. On or about June 14, 1990, Respondent submitted an application for appointment to the hospital staff at Bronx-Lebanon Hospital Center, located at 1650 Grand Concourse, Bronx, New York 10457. In response to question G, "Have you ever been convicted of a crime, either a felony or a misdemeanor (other than a motor vehicle citation)?" Respondent answered "No" (Dept. Ex. 3, Ex. 5, T. 42).

7. On or about June 14, 1990, Respondent submitted an application for appointment to the hospital staff at Bronx-Lebanon Hospital Center, located at 1650 Grand Concourse, Bronx, New York 10457. In response to question F, "Has employment at any hospital or health care facility ever been discontinued?" Respondent answered "No", as he knew that on or about July 3, 1976 Respondent was terminated from a residency program at Cabrini Medical Center for forging two reference letters (Dept. Ex. 5, Ex. 6, T. 75).

8. Respondent's testimony did not challenge the facts contained in the documentary evidence presented by the prosecution in support of the charges. Much of this documentary evidence was created by the Respondent himself (Dept. Ex. 2, And Ex. 5).

9. Respondent offered testimony in mitigation of the penalty to be imposed (T. 12-13).

10. Respondent is a Russian immigrant who currently resides with his wife and his 18 year-old son (T. 13, 37).

11. Until Respondent's wife and son came to the United States in November 1993, they lived in Armenia, where Respondent's mother-in-law also resided (T. 13, 37, 82).

12. Respondent testified that at the time he applied for registration as a physician assistant, Respondent believed that his attorneys had obtained a Certificate of Relief from Disabilities for him. (T. 19, 20).

13. Respondent testified that he has been employed as a physician's assistant at Staten Island University Hospital since August 1993 (T. 39).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise. The Hearing Committee concluded that the following Factual Allegations should be sustained. The citations in parenthesis refer to the Findings of Fact which support each Factual Allegation:

Paragraph A: (2)

Paragraph A: 1: (3)

Paragraph A.1(a): (4)

Paragraph A.1(b): (5)

Paragraph A.2: (6)

Paragraph B: (7)

Paragraph B.1: (7)

The Hearing Committee further concluded that the following Specifications should be sustained. The citations in parentheses refer to the Factual Allegations which support each specification:

OBTAINING A PHYSICIAN'S ASSISTANT REGISTRATION FRAUDULENTLY

First Specification: (Paragraphs A, A.1, A.1(a) and A.1(b);

FRAUDULENT PRACTICE

Second and Third Specifications: (Paragraphs A, A.1, A.1(a),A.1(b), A.2, B and B.1.

DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's registration to practice as a physician's assistant be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The record clearly establishes that Respondent demonstrated dishonesty on multiple occasions. Respondent knowingly and intentionally concealed the fact that he had been convicted of a misdemeanor on his application for registration as a physician's assistant. Respondent also lied on his application for employment at Bronx Lebanon Hospital with respect to the aforesaid conviction and his termination from the residency program at Cabrini Medical center for forging two reference letters. At the hearing, Respondent appeared to believe that lifetime circumstances allowed him to circumvent the truth. When asked if he would have answered the questions differently if he was aware that his lawyers had not obtained his Certificate of Relief from Disabilities, he replied that he was not sure because of the pressures he incurred while supporting his family in Armenia. The Hearing Committee believes that honesty is an important characteristic

for registration as a physician's assistant and cannot be compromised.

In mitigation, Respondent represented that he was a Russian immigrant, who until recently had been sending money to Armenia to support his wife, son and terminally ill mother-in-law. He submitted numerous bills as proof of the financial hardship which caused his lack of candor in disclosing his prior conviction and work history. Respondent testified that he and his brothers "pitched in" to pay the family medical bills and several money orders were offered into evidence. Although these bills appeared to be extensive, the Hearing Committee was not convinced that these bills were actually paid by Respondent as there were no checks or other proof submitted to delineate Respondent's exact contribution.

The Hearing Committee further believes that Respondent's testimony was fraught with numerous inconsistencies and contradictions. Despite his primary claim of financial hardship, Respondent admitted in his testimony that he had earned considerable income for several years prior to receipt of his mother-in-law's medical bills. When questioned as to why he had been terminated from several previous physician assistant positions, Respondent replied that he had been asked to resign but was not given a specific reason for his termination. The Department offered rebuttal testimony to the contrary. The Department's investigator testified that during a telephone interview, Respondent acknowledged that he had spoken with hospital administrators at which time the nature of the allegations against him were discussed. He was then given the opportunity to either resign or face disciplinary charges. The Hearing Committee found it inconceivable that Respondent would not know the nature of the circumstances surrounding the request for his resignation in each instance. It was the ultimate conclusion of the Hearing Committee that Respondent's testimony was not credible and that the Department's investigator was credible as a rebuttal witness. The Hearing Committee concluded, by a preponderance of the evidence, that Respondent obtained his registration fraudulently and has engaged in the fraudulent practice of his profession as a physician's assistant.

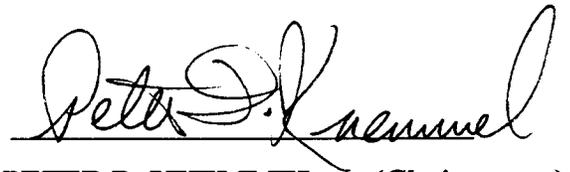
Based upon the above, it is clear that the only appropriate penalty in this matter is the revocation of Respondent's registration to practice as a physician's assistant in New York State.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First, Second and Third Specifications of professional misconduct, as set forth in the Statement of Charges (Department's Exhibit #1) are **SUSTAINED**, and
2. Respondent's registration to practice as a physician's assistant in New York State is **REVOKED**.

Dated: Albany, New York
June 2, 1994



PETER D. KUEMMEL (Chairperson)

LEO FISHEL, JR., M.D.
DANIEL SHERBER, M.D.

To: Sylvia P. Finkelstein, Esq.
Associate Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, NY 10001

Jan Levien, Esq.
Levien & Zwal
250 West 57th Street
New York, NY 10107

Vahe Boyadjian, P.A.
883 Blvd. East, Apt. 1B
Weehawken, NJ 07087

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

IN THE MATTER
OF
VAHE P. BOYADJIAN, P.A.

NOTICE
OF
HEARING

TO: VAHE P. BOYADJIAN, P.A.
883 Blvd. East, Apt. 1B
Weehawken, New Jersey 07087

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 26th day of January, 1994 at 10:00 in the forenoon of that day at 5 Penn Plaza, Sixth Floor, New York, NY 10016 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas

issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1993), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 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.

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 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 THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a (McKinney Supp. 1993). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York

December 20, 1993


CHRIS STERN HYMAN
Counsel

Inquiries should be directed to:

Silvia P. Finkelstein
Associate Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza, 6th floor
New York, New York 10001
Telephone No.: (212) 613-2615

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

IN THE MATTER
OF
VAHE P. BOYADJIAN, P.A.

STATEMENT
OF
CHARGES

VAHE P. BOYADJIAN, P.A., the Respondent, was authorized to practice as a physician's assistant in New York State on July 20, 1989, by the issuance of physician's assistant registration number 003762 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice as a physician's assistant for the period January 1, 1993 through December 31, 1995. Respondent's registration address is 883 Blvd. East, Apt. 1B, Weehaven, New Jersey 07087. Respondent currently resides at 801 Tuuri Place, Apt. 109, Flint, Michigan, 48503.

FACTUAL ALLEGATIONS

A. On or about January 14, 1987, in the Supreme Court of the State of New York, County of New York, Respondent was tried and found guilty of two counts of Sexual Abuse in the Third degree, a misdemeanor. On or about March 5, 1987, upon his conviction after

trial, Respondent was sentenced to one year probation and two hundred (200) hours of community service.

1. On or about June 15, 1989, Respondent submitted an "Application for Registration as a Physician's Assistant" to the New York State Education Department.

(a) In said application, in response to question No. 9 "(h)ave you ever been convicted of a crime (felony or misdemeanor) in any state of country?" Respondent knowingly and intentionally falsely answered "No".

(b) In said application, in response to question No. 10 "(h)ave you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than by acquittal or dismissal?" Respondent knowingly and intentionally falsely answered "No".

2. On or about June 14, 1990, Respondent submitted an "Application for Appointment to the Hospital Staff to Bronx-Lebanon Hospital Center, located at 1650 Grand Concourse, Bronx, New York 10457. In response to questions "G. Have you ever been convicted of a crime, either a felony or a misdemeanor (other than a motor vehicle citation?" Respondent knowingly and intentionally falsely answered "No".

B. On or about June 14, 1990, Respondent submitted an "Application for Appointment to the Hospital Staff to Bronx-Lebanon Hospital Center, located at 1650 Grand Concourse, Bronx, New York 10457.

1. In response to question "F. Has employment at any Hospital or Health Care Facility ever been discontinued?" Respondent knowingly and intentionally falsely answered "No", as he knew that on or about July 3, 1976 Respondent was terminated from a residency program at Cabrini Medical Center for forging two reference letters.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

OBTAINING A PHYSICIAN'S ASSISTANT REGISTRATION FRAUDULENTLY

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(1) (McKinney Supp. 1993) obtaining a physician's assistant registration fraudulently, in that Petitioner charges:

1. The facts in paragraphs A, A.1, A.1(a), and A.1(b).

SECOND THROUGH THIRD SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1993) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in paragraphs A, A.1, A.1(a), A.1.(b) and/or A.2.
3. The facts in paragraphs B and B.1.

DATED: NEW YORK, NEW YORK
December 20, 1993



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct