New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D.,M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 21, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Izhar A. Abdi, M.D.
146 Sheridan Avenue
Brooklyn, NY 11208

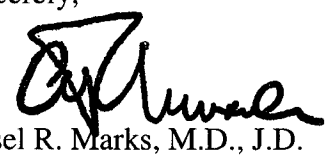
RE: License No. 111937

Dear Dr. Abdi:

Enclosed please find Order #BPMC 01-185 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 21, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure
cc: Mark L. Fuhrman, Esq.
Lifshutz, Polland & Hoffman, P.C.
675 Third Avenue
New York, NY 10017

Daniel Guenzburger, Esq.

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

IN THE MATTER OF IZHAR A. ABDI, M.D.	SURRENDER ORDER BPMC No. 01-185

Upon the proposed agreement of IZHAR A. ABDI, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that with an effective date of April 23, 2001, the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8/17/01

William P. Dillon, M.D.
WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER OF IZHAR A. ABDI, M.D.	SURRENDER OF LICENSE

IZHAR A. ABDI, M.D., representing all statements herein made to be true, deposes and says:

On or about March 23, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 111937 by the New York State Education Department.

My current address is 146 Sheridan Avenue, Brooklyn, N.Y., and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York, effective April 23, 2001, the date that I plead guilty to criminal charges as set forth in the annexed Statement of Charges, on the grounds that I admit to the one specification of misconduct in the Statement of Charges. No representation has been made to me by any official of the New York State Department of Health regarding the impact, if any, that this effective date of surrender may have in a proceeding pursuant to Part 24 of Title 8 of the NYCRR.

I understand and stipulate that if an Order accepting this surrender is issued, with the effective date of April 23, 20001, the date I have requested, that any medical practice by me, subsequent to that date, that may be proven will have been unauthorized medical practice. If proven at a hearing held pursuant to §230 of the Public Health Law, such practice would constitute further misconduct as defined by §6530(12) of the State Education Law and subject me to further penalties as set forth in §230-a of the Public Health Law. Furthermore, I have been advised that in addition to taking further disciplinary action, the Department of Health would make a referral, regarding any such unauthorized medical practice, to the Attorney General of the State of New York for possible criminal prosecution pursuant to §§6512-4 of the State Education Law.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that such

order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 8.6.01

IZHAR A. ABDI, M.D.
RESPONDENT

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A MEDICAL LICENSE

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.

2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.

3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.

4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.

5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S.Official Order Forms Schedules 1 and 2 to the DEA.

6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.

7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divesture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to $10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 8/4/01

Mark Fuhrman, Esq.
Lifshutz, Polland and Associates, P.C.
Attorney for Respondent

Date: 8/8/01

Daniel Guenzburger
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 8/14/01

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER OF IZHAR A. ABDI, M.D.	STATEMENT OF CHARGES

IZHAR A. ABDI, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 23, 1972, by the issuance of license number 111937 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 23, 2001, in the United States District Court, Eastern District, the Respondent plead guilty to the crime of defrauding the Medicare and Medicaid programs in violation of Title 18, United States Code, Sections 1347, 2 and 3551 et. seq.

SPECIFICATION OF CHARGES

SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.

EXHIBIT A

DATED: July , 2001
New York, New York

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct