

*Public*

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

IN THE MATTER

OF

**NICHOLAS MICHAEL DRAMIS, P.A.**  
**CO-06-05-2939-A**

**COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING**

TO: **NICHOLAS MICHAEL DRAMIS, P.A.**  
Southwest Detention Center  
30755B Adult Road  
Murrieta, CA 92563

The undersigned, Brian P. Wing, Interim Executive Deputy Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that **NICHOLAS MICHAEL DRAMIS, P.A.** Respondent, licensed to practice medicine in the State of New York as a Physician Assistant on July 16, 1984, by license number 002470, has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs for acts which if committed in New York State would have constituted the basis for summary action.

It is therefore:

ORDERED, pursuant to New York Public Health Law §230(12), that effective immediately **NICHOLAS MICHAEL DRAMIS, P.A.**, Respondent, shall not practice medicine as a physician in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine as a physician. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

Any practice of medicine in the State of New York in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21<sup>st</sup> day of March 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

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. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), 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. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction 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 OTHER SANCTIONS SET FORTH 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

2/28 ,2007

  
BRIAN P. WING  
Interim Executive Deputy Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0828

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NICHOLAS MICHAEL DRAMIS, P.A.  
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STATEMENT  
OF  
CHARGES

NICHOLAS MICHAEL DRAMIS, P.A., Respondent, was authorized to practice medicine as a Physician Assistant in New York State on July 16, 1984, by the issuance of license number 002470 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about March 8, 2006, in the Superior Court of the State of California, County of Los Angeles, California, Respondent was arraigned on criminal charges.
- B. On or about March 30, 2006, Respondent prepared and/or submitted to the New York State Education Department, a Registration Renewal Document, wherein he falsely stated that criminal charges were not pending against him in any court.
- C. On or about April 13, 2006, in the Superior Court of the State of California, County of Los Angeles, California, Respondent was found guilty, based on a plea of guilty, of Possession of a controlled substance, in violation of California, Health and Safety Code, §11377(a), a felony.
- D. On or about July 11, 2006, the Physician Assistant Committee, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), accepted the surrender of Respondent's license to practice medicine as a physician assistant, based on sexual abuse an/or misconduct with patient, acts of corruption, illegal use of drugs or alcohol and violation of drug laws, conviction of a crime, gross negligence, prescribing without a good faith examination, and general unprofessional conduct.

E. The conduct resulting in the California 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(3) (negligence on more than one occasion);
2. New York State Education Law §6530(4) (gross negligence);
3. New York State Education Law §6530(8) (being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects);
4. New York State Education Law §6530(9)(a)(i) (by being convicted of committing a crime under state law);
5. New York State Education Law §6530(17) (exercising undue influence on the patient);
6. New York State Education Law §6530(20) (moral unfitness); and/or
7. New York State Education Law §6530(31) (willfully harassing, abusing, or intimidating a patient).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would constitute misconduct, in that Petitioner charges:

2. The facts in Paragraphs A and/or C.

**THIRD SPECIFICATION**

Respondent violated New York 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 Petitioner charges:

3. The facts in Paragraphs A, C, D, and/or E.

**FOURTH SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having surrendered his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license surrender would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

4. The facts in Paragraphs A, C, D, and/or E.

**FIFTH SPECIFICATION**

Respondent violated New York State Education Law §6530(21) by willfully making or filing a false report, in that Petitioner charges:

5. The facts in Paragraphs A and/or B.

DATED: *Feb. 28*, 2007

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct