

April 3, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul Tsui, Esq.  
NYS Department of Health  
ESP-Corning Tower – Room 2512  
Albany, New York 12237

Ahmad Mossavi, M.D.  
REDACTED

**RE: In the Matter of Ahmad Mossavi, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 13-90) 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 (i), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "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,

REDACTED  
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

-----X  
IN THE MATTER : DETERMINATION  
: :  
OF : AND  
: :  
AHMAD MOSSAVI, M.D. : ORDER  
CO-12-03-1031-A : BPMC #13-90  
-----X

COPY

A Notice of Referral Proceeding and Statement of Charges, both dated January 22, 2013, were served upon the Respondent, Ahmad Mossavi Stein, M.D. **FRANCES E. TARLTON (Chair), JAGDISH M. TRIVEDI, M.D., and ROBERT A. CATALANO, M.D., M.B.A.,** 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. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Paul Tsui, Esq., Associate Counsel. The Respondent failed to appear in person or by Counsel. A hearing was held on March 14, 2013. Evidence was received and witnesses sworn and heard 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 §6530(9). In such cases, 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, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) by having been found guilty of improper professional practice by a duly authorized professional disciplinary agency of another state. He is also charged with having violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended in another state pursuant to said disciplinary action. A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses 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.

1. Ahmad Mossavi, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on August 2, 1993 by the issuance of license number 193136 by the New York State Education Department. (Ex. #4).

2. On or about September 23, 2011, the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners ("New Jersey Board"), by an Order Adopting Findings of Fact and Conclusions of Law Within Initial Decision and Modifying Penalty, ("New Jersey Order") *inter alia*, suspended Respondent's license to practice medicine and surgery for a period of three (3) years with the first six (6) months of the suspension to be served as a period of active suspension and the remainder to be stayed and served as a period of probation, assessed a civil penalty of \$10,000.00 and costs totaling \$28,528.08. These penalties were issued based

upon Respondent engaging in acts of dishonesty, deception, fraud, misrepresentation and professional misconduct. (Exhibit #5).

#### 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 evidence clearly established that the Respondent was disciplined by the New Jersey Board following a contested adjudicatory proceeding. The New Jersey Board found that Respondent had falsified documents submitted to a health insurer, and gave false testimony to a Committee of the New Jersey Board.

These actions, had they occurred within New York, would constitute practicing the profession fraudulently, in violation of New York Education Law §6530(2). Therefore, the First and Second Specifications of professional misconduct shall be sustained.

#### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that the Respondent's license to practice medicine in New York State shall 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.

Respondent engaged in fraudulent and deceitful conduct in an attempt to benefit himself at the expense of an insurance company, and thus at the expense of society. This constitutes a severe breach of the public trust. Moreover, he then lied under oath before the New Jersey Board. We did take note of the fact that the New Jersey Board did not revoke his license, instead suspending it and imposing certain conditions before he could resume practice under probation (Exhibit #5).

At the hearing, we asked Counsel for the Department whether or not Respondent had fulfilled those conditions and thus had resumed practice. He was not aware as to whether or not Respondent had fulfilled those obligations. Following the conclusion of the hearing, the Administrative Law Judge, *sua sponte*, searched the publicly available New Jersey Health Care Profile, a website maintained by the New Jersey Office of the Attorney General, Division of Consumer Affairs. The website indicated that Respondent has remained under suspension since issuance of the New Jersey Order on September 23, 2011. A copy of the screenshot documenting Respondent's licensure status is

attached to this Determination and Order in Appendix II.

Given Respondent's unwillingness or inability to comply with conditions imposed upon him by the New Jersey Board, the Hearing Committee concluded that revocation was the only appropriate sanction under the circumstances.

ORDER

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

1. The First and Second Specifications of professional misconduct, as set forth in the Statement of Charges (Exhibit # 1) are SUSTAINED;

2. Respondent's license to practice as a physician assistant in the State of New York be and hereby is REVOKED;

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

**DATED: Albany, New York**

*March 29, 2013*

**REDACTED**

**FRANCES E, TARLTON (CHAIR)**

JAGDISH M. TRIVEDI, M.D.

ROBERT A. CATALANO, M.D., M.B.A.

TO: Paul Tsui, Esq.  
Associate Counsel  
New York State Department of Health  
Corning Tower, Room 2512  
Albany, New York 12237

Ahmad Mossavi, M.D.

REDACTED

APPENDIX I

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

---

IN THE MATTER  
OF  
AHMAD MOSSAVI, M.D.  
CO-12-03-1031-A

---

STATEMENT  
OF  
CHARGES

AHMAD MOSSAVI, M.D., Respondent, was authorized to practice medicine in New York State on August 2, 1993, by the issuance of license number 193136 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about September 23, 2011, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by an Order Adopting Findings of Fact and Conclusions of Law Within Initial Decision and Modifying Penalty (hereinafter "New Jersey Order"), inter alia, Suspended the license of Respondent to practice medicine and surgery in the State of New Jersey for a period of three (3) years with the first six (6) months of the suspension to be served as a period of active suspension and the remainder to be stayed and served as a period of probation, assessed a civil penalty of \$10,000.00, and costs totalling \$28,528.08 based on Respondent engaging in acts of dishonesty, deception, fraud, misrepresentation and professional misconduct.

B. The conduct resulting in the New Jersey 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 Education Law §6530(2) (practicing the profession fraudulently).

SPECIFICATIONS  
FIRST 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 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:

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

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 by having his license to practice medicine suspended, 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, in that Petitioner charges:

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

DATED: *Jan. 22*, 2013  
Albany, New York

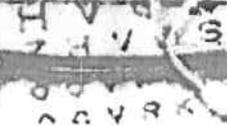
REDACTED

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

APPENDIX II



division of consumer affairs



[Search for a Health Care Professional](#)

**Physician/Podiatrist**

[Back to Search Page](#)  
[Back to Result Page](#)

[About the Health Care Profile](#)

**Mossavi, Ahmad , M.D.**

NJ License Number: **25MA05813000**  
Initial License Date: **1989**  
Date of First NJ Licensure: **1992**  
License Status: **Suspended**  
Status Date: **23-Sep-11**

[Search Tips](#)

[Disclaimers](#)

[Contact Us](#)

[Give Us Your Feedback](#)

[Home](#) | [Search](#) | [About the Health Care Profile](#) | [Search Tips](#)  
[Disclaimers](#) | [Contact Us](#) | [Give Us Your Feedback](#)  
Department of Law & Public Safety | Division of Consumer Affairs  
State Board of Medical Examiners | State Board of Optometrists  
[About](#)