

December 19, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Abdur Tai, M.D.
a/k/a A. Razzak Tai
#66964-066
FDC Philadelphia
Federal Detention Center
P.O. Box 562
Philadelphia, Pennsylvania 19105

Abdur Tai, M.D.
REDACTED

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

Abdur Tai, M.D.
REDACTED

**RE: In the Matter of Abdur Tai, M.D.
a/k/a A. Razzak Tai**

Dear Parties:

Enclosed please find the Determination and Order (No. 13-399) 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., 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

COPY

IN THE MATTER

DETERMINATION

OF

AND

ABDUR TAI, M.D.(aka A.RAZZAK TAI)
C0-12-10-5152-A

ORDER

BPMC #13-390

A hearing was held on November 13, 2013, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding and Statement of Charges, both dated August 20, 2013, were served upon the Respondent, Abdur Tai, M.D. Pursuant to Section 230(10)(e) of the Public Health Law, Virginia R. Marty, Chairperson, Eleanor C. Kane, M.D., and Mark A. Reiner, M.D. duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Christine C. Traskos, Esq. Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by James Dering, Esq., General Counsel, by Paul Tsui, Esq. of Counsel. The Respondent did not appear at the hearing.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

BACKGROUND

This proceeding was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with

misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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).

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix I.

WITNESSES

For the Petitioner: None

For the Respondent: None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." or transcript page numbers ("T"). These citations refer to 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.

1. The Respondent, Abdur Tai, M.D., did not appear although he was duly served. (Petitioner's Exs. 2 and 5)

2. Abdur Tai, M.D., the Respondent, was authorized to practice medicine in New York State on September 20, 1967, by the issuance of license number 100076 by the New York State Education Department. (Petitioner's Ex. 3)

3. On March 26, 2013, in the United States District Court, Eastern District of Pennsylvania, Respondent was found guilty, based on a jury verdict, of six (6) counts of Mail Fraud in violation of Title 18 U.S.C. §1341 and seven (7) counts of Wire Fraud in violation of Title 18 U.S.C. §1343 and sentenced to 72 months in prison to run concurrently on each count, three (3) years supervised release to run concurrently on each count, \$4,579,663.00 in restitution, and \$15,000.00 in fines and a \$1,300.00 special assessment fee. Additional Standard Conditions of Supervision include refraining from the practice of medicine and all cardiology. (Petitioner's Ex. 4)

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Hearing Committee finds that Respondent was engaged in a scheme to intentionally defraud a class action settlement agreement. The purpose of this trust fund was to reimburse patients whose health had been adversely affected after they used certain diet drugs. Instead Respondent falsified echocardiogram reports

and filed fraudulent reports for his own financial benefit and for the attorneys for whom he worked. The Hearing Committee finds that Respondent has betrayed the public's trust and they have no recourse but to revoke Respondent's license to practice medicine in New York State. The Hearing Committee believes that revocation protects the safety of the public and that it is the appropriate action under the circumstances.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice medicine in New York State is **REVOKED**;
2. This Order shall be effective upon service on the Respondent by personal service or registered or certified mail in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Marcellus, New York

December 15, 2013

REDACTED

~~Virginia R. Marty~~
Chairperson

Eleanor C. Kane, M.D.
Mark A. Reiner, M.D.

TO:

ABDUR TAI, M.D.(aka A.RAZZAK TAI)#66964-066
FDC Philadelphia
Federal Detention Center
P.O Box 562
Philadelphia, PA 19105

ABDUR TAI, M.D.(aka A.RAZZAK TAI)
REDACTED

ABDUR TAI, M.D.(aka A.RAZZAK TAI)
REDACTED

Paul Tsui Esq.
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower- Rm. 2512
Empire State Plaza
Albany, N.Y. 12237

APPENDIX I

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

**ABDUR TAI, M.D. (aka ABDUR RAZZAK TAI)
CO-12-10-5152-A****COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING**

TO: Abdur Razzak Tai, #86984-066
FDC Philadelphia
Federal Detention Center
P.O. Box 582
Philadelphia, PA 19105

The undersigned, Sue Kelly, Executive Deputy Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **ABDUR TAI, M.D.**, Respondent, licensed to practice medicine in the State of New York on September 20, 1967, by license number 100076, has been convicted of committing acts constituting a felonies under Federal law, in United States District Court, Eastern District of Pennsylvania, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **ABDUR TAI, M.D.**, shall not practice medicine 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.

ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED

BY NEW YORK EDUCATION 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 17th day of October, 2013, at 10:30 a.m., at 150 Broadway, Suite 510, Menands, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. 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, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. 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 Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, 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, 150 Broadway, Suite 510, Menands, NY 12204-2719, ATTENTION: HON.
JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by

telephone (518-402-0748), upon notice to the attorney for the Department of Health
whose name appears below, 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

August 20, 2013

REDACTED

Sue Kelly
Executive Deputy Commissioner of Health
New York State Department of Health

Inquiries should be addressed to:

Paul Tsui
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ABDUR TAI, M.D. (aka A. RAZZAK TAI)
CO-12-10-5152-A

STATEMENT
OF
CHARGES

ABDUR TAI, M.D., Respondent, was authorized to practice medicine in New York State on September 20, 1967, by the issuance of license number 100076 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 28, 2013, in the United States District Court, Eastern District of Pennsylvania, Respondent was found guilty, based on a jury verdict, of six (6) counts of Mail Fraud in violation of Title 18 U.S.C. §1341 and seven (7) counts of Wire Fraud in violation of Title 18 U.S.C. §1343 and sentenced to 72 months in prison to run concurrently on each count, three (3) years supervised release to run concurrently on each count, \$4,579,663.00 in restitution, and \$15,000.00 in fines and a \$1,300.00 special assessment fee. Additional Standard Conditions of Supervision include refraining from the practice of medicine and all cardiology.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Aug. 20*, 2013
Albany, New York

REDACTED

MICHAEL A. HISER
Acting Deputy Counsel
Bureau of Professional Medical Conduct