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HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

December 6, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael Stephen Ajemian, M.D.
Mafrag Hospital
Abu Dhabi
UAE

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

Richard R. Brown, Esq.
Brown, Paindris & Scott
100 Pearl Street
Hartford, Connecticut 06103

RE: In the Matter of Michael Stephen Ajemian, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 13-403) 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.

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 Respondent or the Department may seek a review of a committee determination.

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

COPY

IN THE MATTER
OF
MICHAEL STEPHEN AJEMIAN, M.D.
CO-12-12-6196-A

DETERMINATION

AND

ORDER

BPMC #13-403

A hearing was held on November 14, 2013, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and Statement of Charges, both dated June 19, 2013, were served upon the Respondent, Michael Stephen Ajemian, M.D. Pursuant to Section 230(10)(e) of the Public Health Law, Frank E. Iaquinta, Chairperson, Ralph W. Liebling, M.D., and Gail S. Homich Herring 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 Nathaniel White, Esq. of Counsel. The Respondent appeared at the hearing but was not represented by counsel.

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)(d).

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:

Michael Stephen Ajemian, M.D.

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. Michael Stephen Ajemian, M.D., the Respondent, was authorized to practice medicine in New York State on June 17, 1998, by the issuance of license number 210807 by the New York State Education Department. (Petitioner's Ex. 4)

2. On November 20, 2012, the State of Connecticut, Department of Public Health, Healthcare Quality and Safety Branch, (hereinafter "Connecticut Board"), accepted Respondent's Voluntary Surrender of his license to practice medicine in the State of Connecticut. The Connecticut Board in a Motion for Summary Suspension Statement of Charges dated May 24, 2012, alleged in 2011 that Respondent abused and/or utilized excess alcohol which did and/or may affect his practice as a physician and surgeon. (Petitioner's Ex. 5)

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York state.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

At the hearing, Respondent acknowledged that he was arrested for a domestic violence dispute with an inference in the police report that perhaps some

alcohol was involved. (T. 38) Respondent entered a rehabilitation program to find out if he had an alcohol problem.(Resp. Ex. A) Respondent provided the Hearing Committee with a report from Mark Ligorski, M.D. from Danbury, CT. In this report dated September 18, 2012, Dr. Ligorski opines that "Dr. Ajemian does not suffer from a substance abuse disorder nor from any psychiatric disorder." (Resp. Ex. B) Respondent testified that he is successfully and gainfully employed as a physician in Abu Dabi and that he has no intention to ever practice medicine in the State of New York. He requested that the charges be dismissed to prevent any further collateral damage to his medical career.

The Hearing Committee finds that Respondent committed professional misconduct based on the Connecticut Board's disciplinary actions stemming from the domestic abuse charge where alcohol may have been involved. The Hearing Committee believes that Censure and Reprimand is the appropriate penalty in this instance. They note that there is no evidence in the record of any ongoing substance abuse by the Respondent. Respondent has presented documentation and testimony to the contrary. The Hearing Committee has considered the other penalties requested by the Department and finds that these additional measures are not warranted by the evidence in the record.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is **CENSURED AND REPRIMANDED**;
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: Peiham, New York

December 5, 2013

REDACTED

**Frank E. Iaquina, M.D.
Chairperson**

**Ralph W. Liebling, M.D.
Gail S. Homick Herring**

TO:

**Michael Stephen Ajemian, M.D.
Mafraq Hospital
Abu Dhabi
UAE**

**Nathaniel White, Esq.
Assistant Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower- Rm. 2512
Empire State Plaza
Albany, N.Y. 12237**

**Richard R. Brown, Esq.
Brown, Paindriss & Scott
100 Pearl Street
Hartford, CT 06103**

APPENDIX I

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

IN THE MATTER **NOTICE OF**
OF **REFERRAL**
MICHAEL STEPHEN AJEMIAN, M.D. **PROCEEDING**
CO-12-12-6196-A

TO: Michael Stephen Ajemian, M.D.
Mafraq Hospital
Abu Dhabi
UAE

Richard R. Brown, Esq.
Brown, Paindiris & Scott, LLP
100 Pearl Street
Hartford, CT 06103

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of September, 2013, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. 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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here

7

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five (5) days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

June 19, 2013

REDACTED

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

Inquiries should be addressed to:

Joel E. Abelove
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MICHAEL STEPHEN AJEMIAN, M.D.
CO-12-12-6196-A

STATEMENT
OF
CHARGES

MICHAEL STEPHEN AJEMIAN, M.D., Respondent, was authorized to practice medicine in New York state on June 17, 1998, by the issuance of license number 210807 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 20, 2012, the State of Connecticut, Department of Public Health, Healthcare Quality and Safety Branch (hereinafter "Connecticut Board"), accepted Respondent's VOLUNTARY SURRENDER of his license to practice medicine in the State of Connecticut. The Connecticut Board in a MOTION FOR SUMMARY SUSPENSION STATEMENT OF CHARGES dated May 24, 2012, alleged in 2011 that Respondent abused and/or utilized excess alcohol which did and/or may affect his practice as a physician and surgeon.

B. The conduct resulting in the Connecticut 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(8)(being a habitual abuser of alcohol).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken or 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 surrender of license, revocation of license and/or other disciplinary action would, if committed in New York

state, constitute professional misconduct under the laws New York state, in that Petitioner charges.

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

DATED: *June 19*, 2013
Albany, New York

REDACTED

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