



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

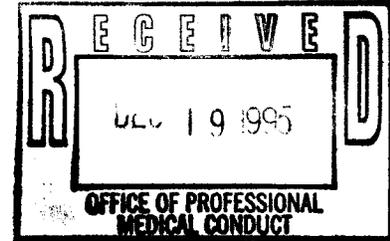
Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Karen Schimke
Executive Deputy Commissioner

December 19, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



Kareem Tannous, M.D.
101 Bacon Road
Old Westbury, New York 11568-1304

Paul Stein, Esq.
NYS Department of Health
Metropolitan Regional Office
5 Penn Plaza-Sixth Floor
New York, New York 10001

Nathan L. Dembin, Esq.
225 Broadway-Suite 1905
New York, New York 10007

RE: In the Matter of Kareem Tannous, M.D.

Effective Date: 12/26/95

Dear Dr. Tannous, Mr. Stein and Mr. Dembin:

Enclosed please find the Determination and Order (No. 95-307) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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 all action 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
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

IN THE MATTER

OF

KAREEM TANNOUS, M.D.

DETERMINATION

AND

ORDER

BPMC- 95-307

DANIEL W. MORRISEY, O.P., Chairman, RAFAEL LOPEZ, M.D. and ARTHUR TESSLER, M.D. duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Sections 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Sections 230(10)(e) and 230(12) of the Public Health Law. **JANE B. LEVIN, ESQ.**, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

SUMMARY OF THE PROCEEDINGS

Notice of Violation of Probation
Proceeding dated:

August 10, 1995

Pre-hearing conference:

September 27, 1995

Hearing dates:

September 29, 1995
November 3, 1995

Deliberation date:

November 20, 1995

Place of hearing:

NYS Department of Health
5 Penn Plaza
New York, New York

Petitioner appeared by:

Jerry Jasinski, Esq.
Acting General Counsel
NYS Department of Health

BY: Paul Stein, Esq.
Associate Counsel

Respondent appeared by:

Nathan L. Dembin & Associates, P.C.
225 Broadway-Suite 1905
New York, New York 10007

BY: Nathan L. Dembin, Esq.

WITNESSES

For the Petitioner:

Cheryl B. Ratner
Vincent Martiniano

For the Respondent:

Kareem Tannous, M.D.
Vicki Peretti

NOTICE OF VIOLATION OF PROBATION

The Notice of Violation of Probation Proceeding charges the Respondent with violation of Paragraph 1.c. of the Terms of Probation, in that he failed to notify the Office of Professional Medical Conduct of his practice with the Kingsboro Medical Group, P.C. of Brooklyn, New York during his probationary period.

FINDINGS OF FACT

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. By Regents Order No. 9973, issued November 8, 1989, Respondent was found guilty of gross negligence and negligence on more than one occasion based on his failing to promptly come to the aid of two (2) hospitalized patients with medical problems that required urgent treatment, and was sanctioned with a three (3) year suspension, 30 months stayed, with three (3) years of probation on various terms and conditions, commencing after the six (6) month period of actual suspension. (Pet's Ex. 2)
2. Respondent's three (3) year period of probation commenced May 13, 1990 and ended May 12, 1993. (T. 42, 44, 49-50, 85; Pet's Ex. 2)
3. Respondent was aware that the State maintained that his probation expired on May 12, 1993. (T. 170)
4. Under the terms of Respondent's probation, he was required to submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, New York 12234 of, *inter alia*, any employment and/or practice and any change in employment or practice. (Pet's Ex. 2, Exhibit D annexed thereto)

5. While on probation, Respondent was employed as a physician by the Kingsboro Medical Group, a HIP center, from July 1991 to May 1993, approximately four (4) hours a week. (T. 47, 173)
6. Respondent worked at two (2) different locations in Brooklyn for the Kingsboro Medical Group, and was paid \$35 per hour. (T. 208, 211)
7. At one (1) of these locations, Nostrand Avenue, he was the only physician on the premises during the hours of his employment. (T. 208)
8. Respondent testified that he did not consider his work at the Kingsboro Medical Group to be "employment" which necessitated notification to the Office of Professional Medical Conduct. (T. 220, 221)
9. Nonetheless, Respondent's office manager, Vicki Peretti, testified that he directed her to send Vincent Martiniano, the supervisor of the Probation Unit of the Office of Professional Medical Conduct, a letter, informing him that the Respondent was working at the HIP Center. (T. 104)
10. Ms. Peretti testified that she typed such a letter, dated December 12, 1991, and placed it in the office outgoing mail bin. (T. 110) A copy of this letter was admitted into evidence as Exhibit 3.
11. Vincent Martiniano, in his role as a Supervising Medical Conduct Investigator supervising the Probation Unit of the Office of Professional Medical Conduct, monitored Respondent's compliance with the terms of his probation. (T. 248-249)

12. Respondent and Vincent Martiniano had frequent telephone conversations, and Respondent even used the nickname "Vincenzo" when referring to him. (T. 182, 223) Mr. Martiniano agreed that he had a pretty good telephone exchange going with Respondent. (T. 270-271)
13. Vincent Martiniano testified that Respondent never told him of his employment at the Kingsboro Medical Group. (T. 252-253)
14. Mr. Martiniano testified that the first time he saw the notification letter allegedly mailed to him by Respondent in December, 1991 was on the morning of his testimony, November 3, 1995, when counsel for Petitioner showed it to him. (T. 251)
15. On the day of his testimony, Mr. Martiniano also looked through the probation file kept by the Office of Professional Medical Conduct on the Respondent and did not find a copy of the notification letter that Respondent had allegedly mailed to him. (T. 252)
16. There was never any discussion between Respondent and Mr. Martiniano about the contents of the notification letter that Respondent allegedly mailed to him. (T. 207)
17. Neither the Respondent nor his office manager ever followed up the notification letter allegedly sent with another letter to the Office of Professional Medical Conduct.
(T. 113, 206)
18. Respondent never received any letter or other writing from the Health Department acknowledging that they had received the notification letter allegedly sent to Vincent Martiniano by Respondent. (T. 112)

19. Respondent's office manager testified that she always received a response to written communication with the State. (T. 133-134)
20. Respondent admitted that some of the time when he communicated with the State regarding his monitoring, he sent the letters by certified mail, return receipt requested. (T. 198)
21. Mr. Martiniano testified that while he was monitoring Respondent's probation had he been notified of the information contained in Petitioner's Exhibit 3, the letter allegedly sent to him by the Respondent, he would have acknowledged the letter by telephone or in writing and advised Respondent that he had some obligation as far as this other practice location, and specifically that he needed a practice monitor there, and there would be additional obligations, such as proposing a monitor, and they would begin the process of reviewing his proposal in order to present it to the Director of the Office of Professional Medical Conduct for her approval. (T. 252-253)
22. Cheryl Ratner, in her role first as a Senior Medical Conduct Investigator and then as a Supervising Medical Conduct Investigator supervising the Probation Unit of the Office of Professional Medical Conduct, monitored Respondent's compliance with the terms of his probation. She performed this monitoring together with Vincent Martiniano from approximately November of 1991 until February of 1992, and then performed the monitoring on her own. (T. 26-27)
23. Ms. Ratner testified that she first became aware of Respondent's employment with the Kingsboro Medical Group in June of 1993, when she received a telephone call from its medical director, Dr. Koota. (T. 29-30)

CONCLUSIONS OF LAW

1. Respondent violated Paragraph 1.c. of his Terms of Probation by failing to notify the Office of Professional Medical Conduct of his practice with the Kingsboro Medical Group, P. C. during his probationary period.

DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY

The Hearing Committee unanimously voted to sustain the allegation of violation of probation by the Respondent.

The Committee also was unanimous in its belief that the testimony of the Respondent and his office manager concerning notification to the Office of Professional Medical Conduct of his employment with the Kingsboro Medical Group, P. C. was not credible. The Panel was not at all convinced of the date of preparation of the letter admitted into evidence as Petitioner's Exhibit 3. The Panel further notes that on the one hand the Respondent testified that he did not feel he was obligated to report his work at the HIP Center to the State since it was not "employment" and yet, on subsequent testimony, he claimed that he had in fact notified the Office of Professional Medical Conduct by letter.

The Hearing Committee unanimously determines that Respondent be fined Ten Thousand Dollars (\$10, 000.00).

ORDER

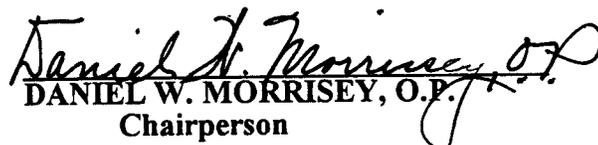
Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. A fine in the amount of Ten Thousand Dollars (\$10,000.00) is imposed upon the Respondent. Payment of the fine shall be made within thirty (30) days of the effective date of this ORDER to the New York State Department of Health, Bureau of Accounts Management, Revenue and Cash Unit, Corning Tower Building, Room 1245, Empire State Plaza, Albany, New York, 12237; and

2. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non renewal of permits or licenses [Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32]; and

3. This **ORDER** shall be effective upon service on the Respondent and/or Respondent's attorney by personal service or by certified or registered mail.

DATED: New York, New York
December 15, 1995


DANIEL W. MORRISEY, O.P.
Chairperson

RAFAEL LOPEZ, M.D.
ARTHUR TESSLER, M.D.

IN THE MATTER
OF
KAREEM TANNOUS, M.D.

NOTICE
OF
VIOLATION OF
PROBATION
PROCEEDING

TO: KAREEM TANNOUS, M.D.
101 Bacon Road
Old Westbury, NY 11568-1304

PLEASE TAKE NOTICE:

In response to your request for a hearing pursuant to the provisions of New York Public Health Law §230(19), a Violation of Probation Proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1995) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1995). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on September 29, 1995 at 10:00 a.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York, and at such other adjourned dates, times and places as the committee may direct..

At the hearing, evidence will be received concerning the dispute of any facts forming the basis of the alleged violation of probation set forth in the attached letter. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and

examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), 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. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1995), you may file an Answer not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, §51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears 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.

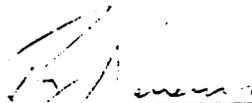
At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a

NEW YORK STATE DEPARTMENT OF HEALTH 10

determination of the penalty to be imposed or appropriate action to be taken, based, inter alia, upon any violation found and upon the misconduct resulting in the imposition of the terms of probation. 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 OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a (McKinney Supp. 1995). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
August 10, 1995



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should
be directed to:

Paul Stein
Associate Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2617

NEW YORK STATE DEPARTMENT OF HEALTH



STATE OF NEW YORK DEPARTMENT OF HEALTH

Complete

Coming Tower The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Mark R. Cheasin, M.D., M.P.P., M.P.H.
Commissioner
Paula Wilson
Executive Deputy Commissioner

September 12, 1994

OFFICE OF HEALTH
SYSTEMS MANAGEMENT
Raymond Sweeney
Director
Brian Henrichs
Executive Deputy Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kareem E. Tannous, M.D.
11 West Lincoln Avenue
Valley Stream, New York 11580

215 North Ocean Avenue
Freeport, New York 11520

101 Beacon Road
Old Westbury, New York 11520

Dear Dr. Tannous:

Please be advised that, as Director of the New York State Office of Professional Medical Conduct, I have determined, pursuant to N.Y. Public Health Law Section 230(19) (McKinney Supp. 1994), that you may have violated the Terms of Probation imposed upon you by Order of the Commissioner of Education, dated October 30, 1989. The basis of the alleged violation of probation is that you failed to notify the Office of Professional Medical Conduct ("OPMC") of your practice with the Kingsboro Medical Group, P.C., in Brooklyn, New York during your probationary period. By failing to so notify OPMC, it is alleged that you violated item 1(c) of your Terms of Probation prior to their expiration on May 12, 1993.

Please be advised that if within twenty (20) days of the date of this letter, you do not dispute the facts forming the basis of the violation alleged above, I shall submit this matter to a Committee on Professional Medical Conduct ("Committee") for its review and determination. If within twenty (20) days of the date of this letter, you elect to dispute any of the facts forming the basis of the violation alleged above, you have a right to and shall be afforded a hearing before the Committee. You may be represented by counsel at the hearing and a stenographic record of the hearing shall be made. The Committee shall receive evidence and hear testimony relating to your alleged violation of probation and thereafter shall make findings of fact, conclusions of law and a determination.

Should the Committee determine that you have violated probation, it shall impose an appropriate penalty, taking into account both the violation of probation and the prior

NEW YORK STATE DEPARTMENT OF HEALTH OFFICE OF HEALTH SYSTEMS MANAGEMENT

SUMMARY OF DEPARTMENT OF HEALTH HEARING RULES

(Pursuant to Section 301 SAPA)

The following items are addressed by the Uniform Hearing Procedures Rules of the New York State Department of Health:

Applicability

Definitions

Notice of Hearing

Adjournment

Answer or Responsive Pleading

Amendment of Pleadings

Service of Papers

Discovery

Hearing Officer/Pre-Hearing Conference

Pre-Hearing Conference

Stipulations and Consent Orders

The Hearing

Hearing Officer's Report

Exceptions

Final Determination and Order

Waiver of Rules

Time Frames

Disqualification for Bias

The exact wording of the rules is found at 10 NYCRR Part 51 of Volume 10 of the New York Code of Rules and Regulations. Each of the above items may be summarized as following:

51.1 Applicability. These regulations apply to most hearings conducted by the Department of Health.

51.2 Definitions.

1. "Commissioner" means Commissioner of the New York State Department of Health.
2. "CPLR" means Civil Practice Law and Rules.
3. "Department" means New York State Department of Health.
4. "Hearing Officer" means the person appointed to preside at the hearing or the person designated as administrative officer pursuant to Public Health Law Section 230.
5. "Party" means all persons designated as petitioner, respondent or intervenor.
6. "Report" means the Hearing Officer's summary of the proceeding and written recommendation or the findings, conclusions and determination of the hearing committee pursuant to Public Health Law Section 230.

51.3 The Department's Notice of Hearing and/or Statement of Charges should be served at least 15 days prior to the first hearing date, specify time, place and date(s) and should contain the basis for the proceeding.

51.4 Adjournment. Only the Hearing Officer may grant an adjournment and only after he/she has consulted with both parties. In hearings pursuant to Public Health Law Section 230, an adjournment on the initial day may be granted by the hearing committee.

51.5 Answer to Responsive Pleading. A party may serve a response to the allegations of the Department.

51.6 Amendment to Pleadings. A party may usually amend papers if no substantial prejudice results by leave of the Hearing Officer.

51.7 Service of Papers. Except for the Notice of Hearing and/or Statement of Charges, all papers may be served by ordinary mail.

51.8 Disclosure. Generally, there is no disclosure of any kind and the Hearing Officer cannot require it, unless all parties agree. If agreed to, the Hearing Officer will ensure all parties proceed in accordance with their agreement. However, in a hearing in which revocation of a license or permit is sought or possible, a party may demand in writing that another party disclose the names of witnesses, documents or other evidence such other party intends to offer at the hearing. A demand for such disclosure must be served at least 10 days prior to the first scheduled hearing date. Disclosure or a statement that the party has nothing to disclose must be made at least 7 days before the first scheduled hearing date. A party that determines to present witnesses or evidence not previously disclosed must supplement its disclosure as soon as practicable. The Hearing Officer may, upon good cause shown, modify the times for demands for and response to disclosure or allow a party not to disclose or limit, condition or regulate the use of information disclosed and may preclude the introduction of evidence not disclosed pursuant to a demand.

51.9 Hearing Officer. He/she presides over the hearing and has the authority to ensure it is conducted in an orderly fashion. He/she may also order the parties to meet before the hearing to discuss the procedure. He/she does not have the authority to remove testimony from the transcript and/or dismiss charges unless authorized by delegation.

51.10 Stipulation and Consent and Surrender Orders. At any time prior to a final order, parties may resolve all or any issues by stipulation. An order issued pursuant to a stipulation has the same force and effect as one issued after hearing.

51.11 The Hearing. A party may have an attorney represent him or her. Failure to appear may result in an adverse ruling. A hearing may be combined with or separated from another hearing depending on whether such action will result in delay, cost or prejudice. While the rules of evidence as applied in a courtroom are not observed, witnesses must be sworn or give an affirmation

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and each party has the right to present its case and to cross-examine. The Department has broad discretion to place documents into evidence. A record of the proceeding must be made. In enforcement cases, the Department has the burden of proof and of going forward. In matters relating to neglect or abuse of patients under Public Health Law Section 2803-d, the Hearing Officer may not compel disclosure of the identity of the person making the report or who provided information in the investigation of the report.

Complaints relating to Public Health Law Section 230 may not be introduced into evidence by either party and their production cannot be required by the Hearing Officer.

Claims that a hearing has been unreasonably delayed is treated as an affirmative defense (Section 51.5) or as part of claimant's case. The burden of going forward and of proof are on the claimant.

A verbatim record of the proceeding shall be made by any means determined by the Department. The record shall include notice of hearing and any statement of charges, responsive pleadings, motions, rulings, transcript or recording, exhibits, stipulations, briefs, any objections filed, any decision, determination, opinion, order or report rendered.

51.12 Hearing Officer's Report. In matters governed by Public Health Law Sections 230, 230-a and 230-b, the final report should be submitted not more than 52 days after completion of the hearing if service is effectuated by mail and not more than 58 days of service if effectuated personally. In all other matters, the Hearing Officer, within 60 days of the completion of the hearing, should submit a report.

51.13 Filing of Exceptions. Within 30 days of the date of a copy of the report of the Hearing Officer and proposed order or, within 15 days of a date a report of the hearing committee and proposed recommendation for hearings conducted pursuant to Public Health Law Section 230 is sent to the parties, any party may submit exceptions to said report and proposed order to the Supervising Administrative Law Judge. On notice of all parties, a party may request, before the expiration of the exception period, the Supervising Law Judge to extend the exception period. All parties have the opportunity to state their position on the extension on the record. Extensions may be granted on good cause shown; however, they are not granted to allow a party to respond to exceptions already filed.

NEW YORK STATE GOVERNMENT PRINTING OFFICE: 1978

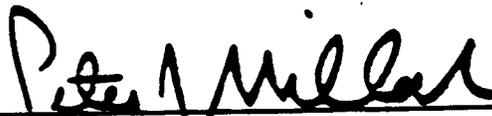
51.14 Final Determination Order. The hearing process ends when an order is issued by the Commissioner or his designee or the appropriate board of council. The order should state a basis for the decision. Each party receives a copy of the order.

51.15 Waiver of Rules. These rules and regulations may be dispensed with by agreement and/or consent.

51.16 Establishment, Construction, Rate Hearings. Hearings involving any of these issues have time limits concerning the issuance of notices of hearing of 365 days of receipt by the Department of a request for hearing.

51.17 Disqualification for Bias. Bias shall disqualify a Hearing Officer and/or a committee member in hearings governed by Public Health Law Section 230. The party seeking disqualification must submit to the hearing officer an affidavit pursuant to SAPA Section 303. Mere allegations are insufficient. The Hearing Officer rules on the request.

DATED: Albany, New York
February 7, 1992



PETER J. MALLOCK
General Counsel

NEW YORK STATE ARCHIVES - ALBANY