



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Public

February 9, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cindy M. Fascia, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2509
Albany, New York 12237-0032

Abid Shamim Aziz, M.D.
c/o Fatima Aziz
20 Hathaway Drive
Princeton Junction, New Jersey 08550-1663

RE: In the Matter of Abid Shamin Aziz, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 07-30) 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 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.

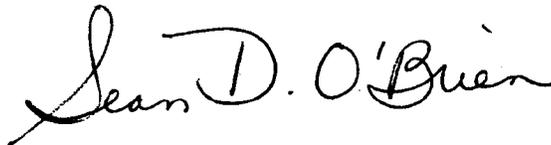
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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 black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial "S" and "D".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah

Enclosure

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

**IN THE MATTER
OF
ABID SHAMIN AZIZ, M.D.**

DETERMINATION

AND

ORDER

BPMC #07-30

COPY

A Notice of Hearing and Statement of Charges, dated November 9, 2006, were served upon the Respondent, Abid Shamin Aziz, M.D. **LYON M. GREENBERG, M.D. (Chair), WILLIAM P. DILLON, M.D. and JAMES P. MILSTEIN, ESQ.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Donald P. Berens, Jr., Esq., General Counsel, Cindy M. Fascia, Esq., of counsel. The Respondent did not appear either in person or by his representative. Evidence was received, witnesses sworn and heard and transcripts of these proceedings were made.

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

PROCEDURAL HISTORY

Date of Hearing: December 13, 2006

Deliberations Held: December 13, 2006

STATEMENT OF CASE

The Statement of Charges alleged one specification of professional misconduct. Namely, failure to comply with an Order issued pursuant to Public Health Law § 230(7).

A copy of the Statement of Charges is attached to this Determination and Order and made a part thereof as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the evidence presented in this matter. All Findings and Conclusions herein are the unanimous determination of the Committee. Having heard testimony and considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were established by at least a preponderance of the evidence.

1. ABIB SHAMIM AZIZ, M.D., (hereinafter " Respondent"), was authorized to practice medicine in New York State on March 7, 2000, by the issuance of license number 216920 by the New York State Education Department. (Ex. 7)
2. On or about June 30, 2006, the Respondent was given notice that a Committee of the Board for Professional Medical Conduct (BPMC) had issued an Order pursuant to Public Health Law § 230(7) ordering the Respondent to submit

an examination by a physician designated by the Committee within 45 days of the effective date of the Order, and cooperate with the Multidisciplinary Assessment Program of Rush Behavioral Health, Rush University Medical Center. (Ex. 2)

3. The Respondent did not comply with this Order. (Ex. 1)

CONCLUSIONS

The following conclusions were made pursuant to the Findings of Fact listed above. The Committee concluded that the following Factual Allegations were proven by a preponderance of the evidence (the paragraphs noted refer to those set forth in the Statement of Charges, Factual Allegations). All conclusions were unanimous. The citation in parentheses refer to the Findings of Fact (supra), which support the factual allegation:

Paragraph A.: (2 &3)

The Committee further concluded that the following Specification should **be sustained**. The citation in parentheses refer to the Factual Allegation from the Statement of Charges, which supports the specification:

FAILURE TO COMPLY WITH AN ORDER ISSUED PURSUANT TO PUBLIC HEALTH LAW § 230(7)

First Specification: (Paragraph A.).

DISCUSSION

Respondent was charged with committing one type of professional misconduct within the meaning of Education Law §6530. During the course of the proceedings, the Department made a motion pursuant to Public Health Law §230(10)(c) to have the charges deemed admitted based on the Respondent's failure to file an answer no later than 10 days prior to the start of the hearing. The ALJ granted this motion and the charges were deemed admitted. In this instance, the Committee's role was to determine what was the appropriate penalty. The Department presented unrefuted evidence, both testimonial and documentary, which supported the conclusion that the Respondent has a serious psychological disorder. The Department offered testimonial evidence by a board certified psychiatrist that in his opinion the Respondent's practice of medicine represents a threat to the public. The Committee found the Respondent's failure to submit to an evaluation as further proof that an evaluation was needed.

The Committee felt that the Respondent should not be allowed to practice medicine until he can demonstrate that he can practice without being a threat to the public, which the Committee has a duty it is to protect. Since the Committee cannot legally impose a license suspension of an indefinite term, the Committee had no other recourse but to revoke the Respondent's license to practice medicine.

ORDER

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

1. The First Specification of professional misconduct, as set forth in the Statement of Charges (Appendix I) is **SUSTAINED**;
2. Respondent's license to practice medicine is hereby **REVOKED**.

DATED: Albany, New York
Feb. 7, 2007


LYON M. GREENBERG, M.D. (CHAIR)
WILLIAM P. DILLON, M.D.
JAMES P. MILSTEIN, J.D.

TO: Cindy M. Fascia, Esq.
Associate Counsel
New York State Department of Health
E.S.P. - Corning Tower
25th Floor
Albany, New York 12237-0032

Abid Shamim Aziz, M.D.
c/o Fatima Aziz
20 Hathaway Drive
Princeton Junction, New Jersey 08550-1663

APPENDIX I

IN THE MATTER
OF
ABID SHAMIM AZIZ, M.D.

STATEMENT
OF
CHARGES

ABID SHAMIM AZIZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 7, 2000, by the issuance of license number 216920 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, on or about June 29, 2006, was ordered by a Committee of the State Board for Professional Medical Conduct, pursuant to New York Public Health Law §230(7), to submit to an examination to be conducted by the Multidisciplinary Assessment Program of Rush Behavioral Health, Rush University Medical Center. The Committee, after reviewing information presented by the Office of Professional Medical Conduct, found reason to believe that Respondent may be impaired by reason of a mental disability or by having a psychiatric condition which impairs his ability to practice. Respondent did not appear at said proceeding, nor did he submit any documents or other information on his behalf. Respondent, under the terms of the June 29, 2006 Order, was required to commence said examination within 45 days of the effective date of said Order. Respondent has not complied with the Order.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with professional misconduct pursuant to New York Education Law §6530(15) by reason of his failure to comply with an Order issued pursuant to subdivision seven of section two hundred thirty of the public health law, in that Petitioner charges:

1. The facts in Paragraph A.

DATE: November 9, 2006
Albany, New York


Peter D. Van Buren
Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct