



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

Public

October 5, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
3300 Palm Drive, Apartment 300
Fullerton, California 92831

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
D-10 Block 6, Federal-B-Area
Karachi Sindh 75950
Pakistan

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
3126 Coney Island Avenue, Apartment B-5
Brooklyn, New York 11235

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
333 86th Street, Apartment K
Brooklyn, New York 11209

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
c/o Shakil Ahmad and Farheena Shakil
3301 East Yorba Linda Boulevard, Apt. #154, (Sycamore Village)
Fullerton, California 92831

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
5216 Arlington Circle
Hanover Park, Illinois 60133

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hariz, M.D.
317 South Wilber Avenue
Sayre, Pennsylvania 18840

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
804 Hamlet Circle
King of Prussia, Pennsylvania 19406

Ann Gayle, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Division of Legal Affairs
90 Church Street, 4th Floor
New York, New York 10007-2919

**RE: In the Matter of Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D.,
a/k/a Shariq Ahmed Hafiz, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 05-216) of the Hearing Committee in the above referenced matter, whereby Respondent is **permanently limited from obtaining a license to practice medicine in New York State, and a mandatory penalty of Twenty Thousand (\$20,000.00) Dollars is imposed on Respondent.**

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), 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.

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.

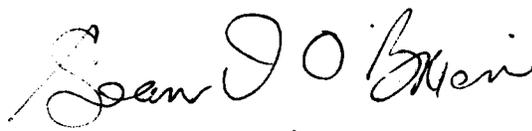
The notice of review served on the Administrative Review Board should be forwarded to:

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 "O".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:djh

Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC 05 - 216

IN THE MATTER

OF

SHARIQ HAFIZ, M.D.
a/k/a SHARIQ AHMED, M.D.
a/k/a/ SHARIQ AHMED HAFIZ, M.D.

Linda Prescott Wilson, (Chair), Roger Spark, M.D., and Zoraida Navarro, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to §230(10) of the Public Health Law. Marc P. Zylberberg, Esq., Administrative Law Judge, ("ALJ") served as the Administrative Officer.

The Department of Health appeared by Ann Gayle, Esq., Associate Counsel. Respondent, Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D., did not appear personally and was not represented by Counsel.

Evidence was received and examined. Transcripts of the proceeding were made. After consideration of the record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Date of Notice of Hearing and
Statement of Charges:

July 11, 2005

Date of Service of Notice of Hearing and
Statement of Charges:

July 25, 2005 (see discussion below)

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D..

Date of Answer to Charges:	None submitted
Pre-Hearing Conferences Held:	August 10, 2005 and August 16, 2005
Hearing Held: - (First Hearing day):	August 16, 2005;
Location of Hearings:	Offices of New York State Department of Health 90 Church St., 4 th Floor New York, NY 10007
Deliberations Held: (last day of Hearing)	August 16, 2005

On August 10, 2005, the ALJ held a Pre-Hearing Conference. Respondent did not appear at this Pre-Hearing and no Counsel appeared on his behalf. At that Pre-Hearing, the ALJ ruled that the service of the Notice of Hearing and Statement of Charges on Respondent was proper as of July 25, 2005, and that the Board for Professional Medical Conduct had obtained jurisdiction over Respondent [08/10/2005 - P.H.T-4-18]¹.

On the August 16, 2005 Hearing day (the first actual Hearing day), Respondent did not personally appear nor was he represented by Counsel. During that Hearing, the ALJ informed the Hearing Committee that Respondent had received ample notice and opportunity to submit an answer.

The Notice of Hearing (Department's Exhibit # 1) at page 2 states:

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge and allegation not so answered shall be deemed admitted. (Underline in original)

¹ Numbers in brackets refer to Hearing transcript page numbers [T-] or to Pre-Hearing transcript page numbers [P.H.T-]. The Hearing Committee did not review the Pre-Hearing transcripts but, when necessary, was advised of the relevant legal decisions or rulings made by the ALJ.

Public Health Law §230(10)(c) clearly indicates that the failure to file a written answer will result in the charges and allegations being deemed admitted. Due to Respondent's failure to submit a written answer, the ALJ ruled that the factual allegations and charges of misconduct contained in the Statement of Charges (Department's Exhibit # 1) were deemed admitted by Respondent [8/10/2005 - P.H.T-27-29; 8/16/2005 - T-4-6]. See also Corsello v. New York State Department of Health, 300 A.D.2d 849, 752 N.Y.S.2d 156 (App. Div. 3rd Dep't. 12/19/2002).

STATEMENT OF CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York (§230 *et seq.* of the Public Health Law of the State of New York ["P.H.L."]). This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("**Petitioner**" or "**Department**") pursuant to §230 of the P.H.L. Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D. ("**Respondent**") is charged with three (3) specifications of professional misconduct as set forth in §6530 of the Education Law of the State of New York ("**Education Law**").

Respondent is charged with professional misconduct by reason of: (1) practicing the profession of medicine fraudulently²; (2) willfully harassing, abusing, or intimidating a patient physically or verbally³; and (3) engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice⁴. These Charges and Specifications of professional misconduct result from Respondent's alleged conduct towards one (1) patient at Coney Island Hospital in 2004.

² Education Law §6530(2) - (First Specification of the Statement of Charges [Department's Exhibit # 1]).

³ Education Law §6530(31) - (Second Specification of the Statement of Charges [Department's Exhibit # 1]).

⁴ Education Law §6530(20) - (Third Specification of the Statement of Charges [Department's Exhibit # 1]).

Respondent failed to submit an answer and therefore all the Factual Allegations and all the Specifications of Misconduct contained in the Statement of Charges are deemed admitted. A copy of the Notice of Hearing and the Statement of Charges is attached to this Determination and Order as Appendix 1.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record available to the Hearing Committee in this matter. These facts represent testimony and/or documentary evidence found persuasive by the Hearing Committee in arriving at a particular finding. The Department, which has the burden of proof, was required to prove its case by a preponderance of the evidence. The Hearing Committee unanimously agreed on all Findings of Fact.

1. Respondent was a licensee (first year resident) from June 2003 and does not hold a license to practice medicine in New York State (Department's Exhibits # 1 and # 3-A)⁵; (fact also admitted pursuant to P.H.L. §230[10][c]).
2. The State Board for Professional Medical Conduct has obtained personal jurisdiction over Respondent (determination made by the ALJ); (P.H.L. §230[10][d]); (Department's Exhibits # 1 and # 2-A through # 2-K); [P.H.T-4-17].
3. Patient A⁶ was admitted to Coney Island Hospital in Brooklyn, New York from April 26, 2004 through May 3, 2004 [T-15-35]; (Department's Exhibits # 4 and # 7); (fact also admitted pursuant to P.H.L. §230[10][c]).

⁵ Refers to exhibits in evidence submitted by the New York State Department of Health (Department's Exhibit #). No exhibits were submitted by Dr. Shariq Ahmed Hafiz.

⁶ The record and this Determination and Order refers to the patient by letter to protect patient privacy. Patient A is identified in the Appendix annexed to the Statement of Charges (Department's Exhibit #1).

4. At some point between April 26, 2004 and May 3, 2004, Respondent inappropriately touched Patient A's breast and looked at her pubic area beneath her underwear. This occurred in the course of a purported physical examination during Patient A's hospitalization [T-15-35]; (Department's Exhibits # 4 through # 7); (fact also admitted pursuant to P.H.L. §230[10][c]).

5. On June 21, 2004 when Patient A was visiting Coney Island Hospital for an out-patient visit, Respondent made inappropriate comments to Patient A and inappropriately touched her breast and torso in a hallway of the hospital [T-15-35]; (Department's Exhibits # 4 through # 7); (fact also admitted pursuant to P.H.L. §230[10][c]).

CONCLUSIONS OF LAW

The Hearing Committee makes the unanimous conclusion, pursuant to the Findings of Fact listed above, that all the Factual Allegations contained in the July 11, 2005 Statement of Charges are **SUSTAINED**.

Based on the above, the complete Findings of Fact and the discussion below, the Hearing Committee unanimously concludes that **ALL THE SPECIFICATIONS OF MISCONDUCT** contained in the Statement of Charges are **SUSTAINED**.

The rationale for the Hearing Committee's conclusions is set forth below.

DISCUSSION

Respondent is charged with three (3) specifications alleging professional misconduct within the meaning of §6530 of the Education Law. The Hearing Committee used ordinary English usage and understanding for all terms and allegations. The Hearing Committee determined that all of the allegations and all of the charges contained in the Statement of Charges were established by a preponderance of the evidence.

Respondent did not appear at the Hearing. The Department introduced into evidence exhibits # 2-A through 2-K which proved that the Respondent was served with the Notice of Hearing and Statement of Charges. The ALJ ruled that the requirements of the Public Health Law for service of process had been met and that the Hearing could proceed despite the absence of the Respondent. The ALJ also ruled that the requirements of the Public Health Law required Respondent to file a written answer to the Statement of Charges and that the failure to do so results in the allegations and specifications of misconduct being deemed admitted by Respondent (P.H.L. §230(10)(c) and Corsello v. New York State Department of Health). In addition to the fact that the allegations are deemed admitted, the Hearing Committee concludes that the documentary evidence and the testimony of Patient A presented by the Department sustains the allegations independently.

DETERMINATION AS TO PENALTY

After a full and complete review of all of the evidence presented and pursuant to the Findings of Fact, Conclusions of Law and Discussion set forth above, a unanimous Hearing Committee determines that Respondent shall be permanently limited from obtaining a license to practice medicine in New York State. In addition to the permanent limitation the Hearing Committee imposes a monetary penalty of \$10,000.00 dollars for each separate occurrence of Respondent's moral unfitness and patient harassment for a total of \$20,000.00 dollars.

This determination is reached after due and careful consideration of the full spectrum of penalties available pursuant to P.H.L. §230-a, including: (1) Censure and reprimand; (2) Suspension of the license, wholly or partially; (3) Limitations of the license; (4) Revocation of license; (5) Annulment of license or registration; (6) Limitations; (7) The imposition of monetary penalties; (8) A course of education or training; (9) Performance of public service; and (10) Probation.

Since Respondent did not appear at the Hearing, the record contains no evidence of mitigating circumstances, rehabilitation or remorse by Respondent. The Charges against Respondent involve patient harm, Respondent's failure to carry out his responsibilities and a serious violation of public trust that was given to Respondent. By failing to appear at the Hearing Respondent continues his disregard for the patient, the process and the public.

Respondent does not have a current license and many of the penalties set forth in the Public Health Law are not applicable to the circumstances of this case. If Respondent had a license the Hearing Committee would have revoked it.

Taking all of the facts, details, circumstances, and particulars in this matter into consideration, the Hearing Committee determines that the above is the appropriate action under the circumstances.

By execution of this Determination and Order, all members of the Hearing Committee certify that they have read and considered the complete record of this proceeding.

ORDER

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

1. The FIRST through THIRD SPECIFICATIONS contained in the Statement of Charges (Department's Exhibit # 1) are **SUSTAINED**; and
2. All Factual Allegations contained in the Statement of Charges (Department's Exhibit # 1) are **SUSTAINED**; and
3. Respondent's shall be permanently limited from obtaining a license to practice medicine in New York State; and

4. A monetary penalty of \$20,000.00 dollars is imposed on Respondent and shall be paid within thirty (30) days of the effective date of this Determination and Order; and

5. Payment of the monetary penalty of \$20,000.00 dollars shall be sent by certified mail, return receipt requested, to the New York State Department of Health, Bureau of Accounts Management, Empire State Plaza, Corning Tower Building, Room 1258, Albany, New York 12237 and shall be made payable by certified check to the New York State Department of Health; and

6. Any monetary 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

7. This Order shall be effective on personal service on the Respondent or 7 days after the date of mailing of a copy to Respondent by certified mail or as provided by P.H.L. §230(10)(h).

DATED: Troy, New York
~~September,~~ 2005
October 5th



LINDA PRESCOTT WILSON, (CHAIR)

ROGER SPARK, M.D.

ZORAIDA NAVARRO, M.D.,

Ann Gayle, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, NY 10007-2919

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D.
a/k/a Shariq Ahmed Hafiz, M.D.
3300 Palm Drive
Apartment 300
Fullerton, CA 92831

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Sayre, PA 18840

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3126 Coney Island Avenue
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Brooklyn, NY 11235

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804 Hamlet Circle
King of Prussia, PA 19406

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a/k/a Shariq Ahmed Hafiz, M.D.
333 86th Street
Apartment K
Brooklyn, NY 11209

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D.
a/k/a Shariq Ahmed Hafiz, M.D.
c/o Shakil Ahmad and Farheena Shakil
3301 East Yorba Linda Boulevard
Apartment #154 (Sycamore Village)
Fullerton, California 92831

APPENDIX 1

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D..

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

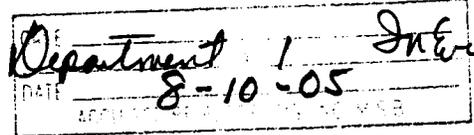
IN THE MATTER

OF

SHARIQ HAFIZ aka SHARIQ AHMED and SHARIQ AHMED HAFIZ, M.D.

NOTICE
OF
HEARING

TO: Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D.
3300 Palm Drive
Apartment 300
Fullerton, California 92831



PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 August 16, 2005, at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4th Floor, New York, New York 10007, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. 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 New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), 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(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten 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. 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 N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the 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 or other evidence which cannot be photocopied.

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 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

OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU
IN THIS MATTER.

DATED: New York, New York
July 11, 2005

A handwritten signature in black ink that reads "Roy Nemerson" with a stylized flourish at the end.

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Ann Gayle
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street
4th Floor
New York, New York 10007
212-417-4450

SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

Licensee's Name _____ Date of Proceeding _____

Name of person to be admitted _____

Status of person to be admitted _____
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

Signature (of licensee or licensee's attorney) _____

This written notice must be sent to:

New York State Health Department
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor South
Troy, NY 12180
Fax: 518-402-0751

New York State Health Department
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, NY 10007
Fax: 212-417-4392

IN THE MATTER

OF

SHARIQ HAFIZ aka SHARIQ AHMED and SHARIQ AHMED HAFIZ, M.D.

STATEMENT
OF
CHARGES

Shariq Hafiz, M.D., a/k/a Shariq Ahmed, M.D., a/k/a Shariq Ahmed Hafiz, M.D., the Respondent, was a "licensee", as that term is defined in N.Y. Public Health Law 230(7), at times on and after June 2003, and does not hold a license to practice medicine in New York State issued by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a female, d.o.b. 10/12/76, during her hospitalization of April 27, 2004 to May 3, 2004 at Coney Island Hospital, Brooklyn, New York.
1. In the course of a purported physical examination during her hospitalization, but not for a proper medical purpose, Respondent inappropriately touched Patient A's breast and looked at her pubic area beneath her underwear.
 2. On or about June 21, 2004, when Patient A was visiting Coney Island Hospital for an out-patient visit, Respondent made inappropriate comments to Patient A and inappropriately touched her breast and torso in a hallway of the hospital.

8/10/09
MP2

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A and A1.

SECOND SPECIFICATION

WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

2. Paragraphs A, A1, and A2.

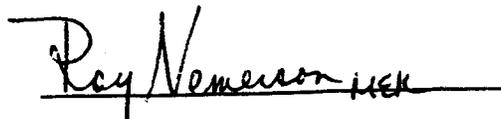
THIRD SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

3. Paragraphs A, A1, and A2.

DATED: July 11, 2005
New York, New York

A handwritten signature in black ink that reads "Roy Nemerson" followed by a horizontal line and the initials "RKN".

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct