



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

November 14, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Majid Abdul Jawad, M.D.
9 Chalstrom Drive
River Ridge, LA 70123

Majid Abdul Jawad, M.D.
3600 Prytania Street Suite 4
New Orleans, LA 70115

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
433 River Street – 4th Floor
Troy, New York 12180

RE: In the Matter of Majid Abdul Jawad, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-312) 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), 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, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

IN THE MATTER
OF
MAJID ABDUL JAWAD, M.D.

DETERMINATION
AND
ORDER

BPMC-00-312

A Notice of Referral Proceeding and Statement of Charges, both dated August 23, 2000, were served upon the Respondent, **MAJID ABDUL JAWAD, M.D.**

MICHAEL R. GOLDING, M.D., Chairperson, **SHELDON GAYLIN, M.D.** and **FRANK KING, R.P.A.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on October 20, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent, **MAJID ABDUL JAWAD, M.D.**, appeared in person on his own behalf.

Evidence was received and transcripts of these proceedings were made.

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

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which 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)(b) and (d). A copy of the Notice of Referral Proceedings and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

NONE

For the Respondent:

Majid Abdul Jawad, M.D., the Respondent

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. 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. All Hearing Committee findings were unanimous unless otherwise specified.

1. MAJID ABDUL JAWAD, M.D., the Respondent, was authorized to practice medicine in the State of New York on February 28, 1997, by the issuance of license number 205981 by the New York State Education Department. (Pet's Ex. 4).

2. On October 28, 1999, the State of Michigan, Department of Consumer & Industry Services, Bureau of Health Services, Board of Medicine (hereinafter "Michigan Board"), by a Consent Order and Stipulation (hereinafter "Michigan Order"), reprimanded the Respondent, placed him on two (2) years probation with terms and conditions, and fined him \$1,000.00, based upon his failure to obtain not less than 150 hours of Board-Approved Continuing Education required for licensure renewal and his failure to furnish upon demand satisfactory evidence of compliance with Continuing Education requirements for licensure renewal. (Pet's Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the Michigan Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State. Pursuant to:

- New York Education Law §6530(21) (Failure to file a report required by law or by the Department of Health of the Education Department).

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of having had disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the 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

The record in this case indicates that the Respondent was disciplined by the "Michigan Board" based on his failure to obtain not less than 150 hours of Board-Approved Continuing Education required for licensure renewal and his failure to furnish upon demand satisfactory evidence of compliance with Continuing Education requirements for licensure renewal. (Pet's Ex. 5)

The Respondent has since complied with the Michigan Board's CME requirements and has complied with the "Michigan Board's" Order.

Under the circumstances of this case, the Hearing Committee determines that a One Thousand (\$1,000.00) fine is an appropriate penalty.

ORDER

1. A civil penalty in the amount of One Thousand (\$1,000.00) Dollars is assessed against the Respondent. Payment of the civil penalty shall be due within 60 days of the effective date of this Order.

The Respondent shall make payment to the Bureau of Accounts Management, New York State Department of Health, Erastus Corning Tower Building, Room 1258, Empire State Plaza, Albany, New York 12237.

Any civil penalty not paid by the prescribed date 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 that 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 licensee (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

2. The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: 07 Nov, 2000
 , New York


MICHAEL R. GOLDING, M.D.
Chairperson

SHELDON GAYLIN, M.D.
FRANK KING, R.P.A.

APPENDIX I

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

IN THE MATTER
OF
MAJID ABDUL JAWAD, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: Majid Abdul Jawad, M.D.
9 Chalstrom Drive
River Ridge, LA 70123

Majid Abdul Jawad, M.D.
3600 Prytania St., Suite 4
New Orleans, LA 70115

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 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 19th day of October, 2000, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which 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. You may produce evidence or sworn testimony on your behalf. Such evidence 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 which 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

EXHIBIT

York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 10, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an 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 brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 10, 2000, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice will provide at no charge a qualified interpreter to interpret the proceedings to, and the testimony of, any deaf person.

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 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 the State 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

Aug. 23, 2000



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

**IN THE MATTER
OF
MAJID ABDUL JAWAD, M.D.**

**STATEMENT
OF
CHARGES**

Majid Abdul Jawad, M.D., the Respondent, was authorized to practice medicine in New York state on February 28, 1997, by the issuance of license number 205981 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 28, 1999, the State of Michigan, Department of Consumer & Industry Services, Bureau of Health Services, Board of Medicine (hereinafter "Michigan Board"), by a Consent Order and Stipulation (hereinafter "Michigan Order"), reprimanded the Respondent, placed him on two (2) years probation with terms and conditions, and fined him \$1,000.00, based upon his failure, upon demand, to submit satisfactory evidence of obtaining one hundred fifty (150) CME hours as required for license renewal and that he failed to complete required CME for license renewal.

B. The conduct resulting in the Michigan Board's 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(16) (failure to comply with federal, state, or local laws, rules, or regulations); and/or
2. New York Education Law §6530(21) (failure to file a report required by law or by the department of health of the education department).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

- 1, The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of having had disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or C.

DATED: *Aug. 23*, 2000
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct