



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
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NYS Department of Health
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Chief of Staff
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Office of Professional Medical Conduct

Public

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Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 13, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ande L. Karimu, M.D.
2195 Mountain Grove Avenue
Burlington, Ontario, Canada L7P2H8

Re: License No. 002516

Dear Dr. Karimu:

Enclosed is a copy of Order #BPMC 07-278 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 20, 2007.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: James E. Eagan, Esq.
The Dunn Building
110 Pearl Street, Suite 400
Buffalo, NY 14202

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

IN THE MATTER
OF
ANDE L. KARIMU, M.D.

CONSENT
ORDER

BPMC No. #07-278

Upon the application of (Respondent) ANDE L. KARIMU, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 12-12-2007



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

**IN THE MATTER
OF
ANDE L. KARIMU, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

ANDE L. KARIMU, M.D., representing that all of the following statements are true, deposes and says:

That I am not presently practicing medicine in New York State, but I hold a limited license to so practice, No. 002516, as issued in December 2005. I agree that the Office of Professional Medical Conduct has the authority to impose discipline in this matter in accordance with New York Public Health Law Section 230.

My current address is 2195 Mountain Grove Ave., Burlington, Ontario, Canada, L7P2H8.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the Specification of Misconduct [Violation of Section 2805-k of the Public Health Law], in full satisfaction of the charges against me, and agree to the following penalty:

I shall refrain from the practice of medicine in New York State until the expiration of my limited license in December, 2007. I agree that thereafter, I shall not seek to become licensed to practice medicine in New York State in the future.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without

prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

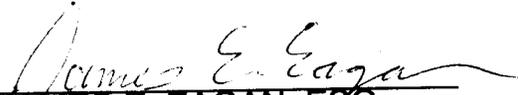
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 11-11-01


ANDE L. KARIMU, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 11/30/07


JAMES E. EAGAN, ESQ.
Attorney for Respondent

DATE: 12/3/07


MICHAEL A. HISER, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/11/07


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
ANDE L. KARIMU, M.D.

STATEMENT
OF
CHARGES

ANDE L. KARIMU, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 2, 2005, by the issuance of a limited license, number 002516 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent submitted an "Application [for] Medical Staff Appointment and Clinical Privileges Syracuse Hospitals" to SUNY University Hospital, 750 East Adams Street, Syracuse, New York 13210 ["SUNY University Application"] as signed by Respondent on or about August 5, 2005. The application was submitted by the Respondent as being "complete, true and accurate to his/her own knowledge and belief".
1. Respondent, on his SUNY University Application, dated and signed by the Respondent on or about August 5, 2005, indicated in his response to Question VIII that his Post Graduate Education included "St. Michaels Medical Center, Seton Hall University, Newark, NJ" during the years "1998-01". Respondent's CV, on the third page, contained the same information. In fact, Respondent's second year of training had been at the University of Cincinnati Hospitals in Cincinnati, Ohio, in 1998-1999, for which year Respondent received no academic credit. Thus, Respondent's factual representation was not true and

accurate.

2. Respondent, on his SUNY University Application, dated and signed by the Respondent on or about August 5, 2005, answered "no" to Question XX, subpart 3, which stated the following:

Are you now or were you subject to – "limitation, suspension, probation . . . of training . . . at any hospital or health care related institution?"

In fact, Respondent had been placed on probation during the last four months of his PGY-2 year of training at the University of Cincinnati Hospitals in Cincinnati, Ohio, in 1998-1999, and for which year Respondent received no academic credit. Thus, Respondent's factual representation was not true and accurate.

SPECIFICATION OF CHARGES
VIOLATION OF § TWENTY-EIGHT HUNDRED FIVE-K
OF THE PUBLIC HEALTH LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(14) by violating section twenty-eight hundred five-k of the Public Health Law, as alleged in the facts of:

1. The facts in Paragraphs A and A.1 and/or A and A.2.

DATE:

December
~~November~~ 3, 2007
Albany, New York



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

EXHIBIT B

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A MEDICAL LICENSE

1. Respondent shall immediately cease and desist the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within fifteen (15) days of the Consent Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty (30) days of the Consent Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within fifteen (15) days of the Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within fifteen (15) days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at his practice location, Respondent shall dispose of all medications.

7. Within fifteen (15) days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six (6) months or more pursuant to this Order, Respondent shall, within ninety (90) days of the Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.