



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

December 13, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nasim Haider, M.D.
6141 173rd Street
Fresh Meadows, NY 11365

RE: License No. 197993

Dear Dr. Haider:

Enclosed please find Order #BPMC 04-285 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 20, 2004.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days or receipt of the of the Order to:

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks".

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

cc: T. Lawrence Tabak, Esq.
Tabak & Stimpfl
190 EAB Plaza
East Tower, 15th Floor
Uniondale, NY 11556-0190

IN THE MATTER
OF
NASIM HAIDER, M.D.

CONSENT
ORDER

BPMC No. 04-285

Upon the application of (Respondent) Nasim Haider, 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: 12-10-2004



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

IN THE MATTER
OF
NASIM HAIDER, M.D.

CONSENT
AGREEMENT
AND
ORDER

NASIM HAIDER, M.D., representing that all of the following statements are true, deposes and says:

That on or about December 6, 1994 I was licensed to practice as a physician in the State of New York, and issued License No. 197993 by the New York State Education Department.

My current address is 6141 173rd Street, Fresh Meadows, NY and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with professional misconduct. A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(2) of the Public Health law, my license to practice medicine in the State of New York shall be suspended for a period of thirty-six months, with the first four months to be served as a period of actual suspension and with the last thirty-two months of said suspension to be stayed.

Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of 36 months, beginning upon the conclusion of the four month period of actual suspension, set forth above, subject to the terms set forth in attached Exhibit "B."

Pursuant to §§230-a(7) and (9) of the Public Health Law, I shall be subject to a fine in the amount of \$10,000.00 to be paid in full within 30 days of the effective date of this order. Payments must be submitted to:

**Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Coming Tower, Room 1245
Albany, New York 12237**

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

That Respondent shall practice medicine in the state of New York Subject to the chaperone condition as set forth in Exhibit "C" attached. This condition shall take effect immediately upon issuance of the Board's order and will continue so long as the Respondent remains licenced in the State of New York..

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

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.

These conditions shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any of the 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.

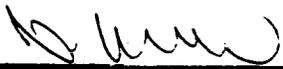
I ask the Board to adopt this Consent Agreement.

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 10/25/04



NASIM HAIDER, M.D.
Respondent

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

DATE: Oct. 25, 2004


T. LAWRENCE TABAK, ESQ.
Attorney for Respondent

DATE: October 27, 2004


JEAN BRESLER,
Associate Counsel
Bureau of Professional Medical Conduct

DATE: December 9, 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
NASIM HAIDER, M.D.

NASIM HAIDER, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 17, 1999 by the issuance of license number 215366 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent rendered care and treatment to Patient A at Mary Immaculate Hospital, (MIH) Emergency Department 152-11 89th Avenue, Jamaica, NY, on or about December 24, 1995. During the course of what Respondent purported to be a proper history and physical examination, Respondent engaged in the following conduct for other than a proper medical purpose
1. Respondent asked Patient A whether she engaged in oral sex and whether she swallowed sperm.
 2. Respondent rubbed her labia and clitoris for several minutes while asking her when she last engaged in sexual activity.
- B. Respondent rendered care and treatment to Patient B at his private office at 111-21 Roosevelt Avenue in Carona, NY, on or about April 30, 2002. Patient B went to see the Respondent for a physical examination for emigration purposes. During the course of what Respondent purported to be a proper physical examination Respondent engaged in the following conduct for other than a proper medical purpose.

A

1. Respondent squeezed both Patient B's breasts.
2. Respondent rubbed Patient B's thighs and vaginal area.
3. Respondent rubbed patient B's back while she lay on her stomach with her buttocks exposed.
4. Respondent pushed his groin into Patient B's buttocks while he had an erection.
5. Respondent pressed his groin into Patient B's groin while he had an erection.

C. On or about February 2001, Respondent examined Patient C at his private medical office, in Queens New York, at which time he performed an examination and provided medication. Respondent maintained no medical record for this visit. On or about March 30, 2001 Respondent examined Patient C for an upper respiratory infection at MIH. Respondent created no medical record for this visit. During the course of what he purported to be a proper physical examination but for other than a proper medical purpose Respondent engaged in the following conduct:

1. Respondent placed his hands on Patient C's buttocks and breasts.
2. Respondent kissed Patient C.
3. Respondent placed Patient C's hand on his erect penis.

D. In his application for privileges to Elmhurst Hospital on or about March 19, 2002 Respondent falsely asserted that he had never had his clinical privileges suspended at any medical facility. In fact, on or about April 16, 2001 Respondent was placed on suspension at Catholic Medical Center of Brooklyn and Queens as a result of a complaint made by Patient C.

Respondent knew that this statement was false and he intended to mislead.

SPECIFICATION OF CHARGES

FIRST THROUGH 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:

1. Paragraph A and its subparagraphs.
2. Paragraph B and its subparagraphs.
3. Paragraph C and its subparagraphs

FOURTH THROUGH SIXTH SPECIFICATIONS

WILLFUL PATIENT ABUSE

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

4. Paragraph A and its subparagraphs.
5. Paragraph B and its subparagraphs.
6. Paragraph C and its subparagraphs

SEVENTH THROUGH TENTH SPECIFICATIONS

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:

7. Paragraph A and its subparagraphs.
8. Paragraph B and its subparagraphs
9. Paragraph C and it's subparagraphs
10. Paragraph D

ELEVENTH SPECIFICATION
FALSE, INACCURATE, OR MISLEADING APPLICATION FOR
PRIVILEGES

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

11. Paragraph D

TWELFTH SPECIFICATION
FAILING TO MAINTAIN A RECORD FOR EACH PATIENT WHICH
ACCURATELY REFLECTS TREATMENT

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(32) by failing to maintain accurate records for each patient as alleged in the facts of the following:

12. Paragraph C

DATED: September 28, 2004
New York, New York

Roy Nemerson by JCB
ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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 section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of Boundary Violations. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period, unless the Order specifies otherwise.
10. Payment of the fine imposed is also a term probation. Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:
Bureau of Accounts Management

New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

11. Respondent shall comply with this Order and all of its terms and conditions, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

EXHIBIT "C"

**PERMANENT CONDITION UPON MY LICENSE TO
PRACTICE MEDICINE, PRECLUDING EVALUATION, CARE,
AND/OR TREATMENT OF ANY FEMALE PATIENT EXCEPT
SUBJECT TO CHAPERONE CONDITIONS**

1. Respondent shall, in the course of practicing medicine in New York State, examine, treat and or consult with female patients only in the presence of a chaperone.
2. The chaperone shall be a licensed or registered health care professional or other health care worker, shall not be a family member, personal friend, or be in a professional relationship with Respondent which could pose a conflict with the chaperone's responsibilities. The chaperone shall be proposed by Respondent and subject to the written the approval of the Director of OPMC.
3. Prior to the approval of any individual as chaperone, Respondent shall cause the proposed chaperone to execute and submit to the Director of OPMC an acknowledgment of the proposed chaperone's agreement to undertake all of the responsibilities of the role of chaperone. Said acknowledgment shall be made upon a form provided by and acceptable to the Director. Respondent shall provide the chaperone with a copy of the Order and all of its attachments and shall, without fail, cause the approved chaperone to:
 - a. Report quarterly to OPMC regarding her chaperoning of Respondent's practice.
 - b. Report within 24 hours any failure of Respondent to comply with the Order, including, but not limited to, any failure by Respondent to have the chaperone present when required, any sexually suggestive or otherwise inappropriate comments by Respondent to any patient, and any actions of a sexual nature by Respondent in the presence of any patient.
 - c. Confirm the chaperone's presence at each and every examination and treatment of a female patient by Respondent, by placing the chaperone's name, title and date in the patient record for each and every visit, and by maintaining a separate log, kept in the chaperone's own possession, listing the patient name and date of visit for each and every patient visit chaperoned.
 - d. Provide copies of the log described in paragraph c, above, to OPMC at least quarterly and also immediately upon the Director's request.