

Public

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

IN THE MATTER
OF
ROMAN TABAKMAN, M.D.
CO-11-02-0824-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: ROMAN TABAKMAN, M.D.
REDACTED ADDRESS

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230(12)(b), upon the recommendation of a Committee on Professional Conduct of the State Board for Professional Medical Conduct, has determined that **ROMAN TABAKMAN, M.D.**, Respondent, licensed to practice medicine in the State of New York on September 21, 1990, by license number 183984, has been convicted of committing an act constituting a felony under New York State law, in the Supreme Court of the State of New York, New York County, New York, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **ROMAN TABAKMAN, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK OR IN
ANY OTHER JURISDICTION WHERE THAT PRACTICE OF MEDICINE
IS PREDICATED ON A VALID NEW YORK STATE LICENSE TO

**PRACTICE MEDICINE IN VIOLATION OF THIS COMMISSIONER'S
ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT
WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29)
AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A
FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230(12)(b) and New York State Administrative Procedure 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 the 15TH day of December, 2011, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct.

Respondent shall file an answer to each of the charges and allegations in the Statement of Charges no later than ten days prior to the hearing with the below-named attorney for the Department of Health. Any charge or allegation not so answered shall be deemed admitted. Respondent may wish to seek the advice of counsel prior to filing such answer and may be represented by counsel admitted to practice in New York State.

The licensee may file a brief and affidavits with the Committee on Professional Conduct. The licensee may appear personally before the Committee on Professional Conduct and may present evidence or sworn testimony in his or her behalf. The Department may also present evidence or sworn testimony and file a brief at the hearing. A stenographic record of the hearing shall be made. Such evidence or sworn testimony offered to the Committee on Professional Conduct 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 to the committee which would show that the conviction would not be a crime in New York State. The Committee on Professional Conduct may reasonably limit the number of witnesses whose testimony will be received and the length of time any witness will be permitted to testify.

A summary of the Department of Health Hearing Rules is enclosed. 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.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC UPON ISSUANCE.

Department attorney: Initial here _____

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing 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. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction to be imposed or

appropriate action to be taken. The committee 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 FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
Nov 2, 2011

REDACTED SIGNATURE

NIRAV R. SHAH, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Joel E. Ablove
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

IN THE MATTER
OF
ROMAN TABAKMAN, M.D.
CO-11-02-0824-A

STATEMENT
OF
CHARGES

ROMAN TABAKMAN, M.D., Respondent, was authorized to practice medicine in New York State on September 21, 1990, by the issuance of license number 183984 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 16, 2010, in the Supreme Court of the State of New York, New York County, New York, Respondent was found guilty, based on a plea of guilty, of Attempted Enterprise Corruption, in violation of New York Penal Law, §110-460.20, a class C felony, and Attempted Money Laundering in the second degree, in violation of New York Penal Law §110-470.15(1), a class D felony, and on or about January 4, 2011, was sentenced to six (6) months jail, five (5) years probation and \$320.00 in fees.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *November 2*, 2011
Albany, New York

REDACTED SIGNATURE

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