

Public

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

IN THE MATTER
OF
HENRY BLADY, M.D.
CO-10-05-2848-A

COMMISSIONER'S
SUMMARY
ORDER

TO: HENRY BLADY, M.D.
REDACTED

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health (hereinafter "Florida Board"), has made a finding substantially equivalent to a finding that the practice of medicine by **HENRY BLADY, M.D.**, Respondent, New York license number 143803, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Emergency Suspension on License, dated April 12, 2010, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **HENRY BLADY, 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 IN VIOLATION OF THIS 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.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Florida.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, 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 a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the Florida proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 303, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

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.

DATE: Albany, New York
10/29 / , 2010

REDACTED

~~RICHARD F. DAINES, M.D.~~
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

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

STATE OF FLORIDA
DEPARTMENT OF HEALTH

Final Order No. DOH-10-0853-^{ESD}-MOA
FILED DATE - 4-12-10
Department of Health
By: [Signature]
Deputy Agency Clerk

IN RE: The Emergency Suspension of the License of
Henry Blady, M.D.
License Number: ME 39143
Case Number: 2010-04950

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, ORDERS the emergency suspension of the license of Henry Blady, M.D., to practice as a physician. Dr. Blady holds license number ME 39143, and his last address of record with the Board of Medicine is REDACTED. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Blady's license to practice as a physician.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine pursuant to Chapters 20, 456, and 458, Florida Statutes. Section 456.073, Florida Statutes (2009), empowers the State Surgeon General to summarily suspend Dr. Blady's license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2009).
2. At all times material to this order, Dr. Blady was licensed to practice medicine in the State of Florida pursuant to Chapter 458, Florida Statutes.
3. The Department was notified that on or about February 23, 2010, Detective Eric Keith of the Palm Beach County Sheriff's Office was contacted by William

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Barnhart, PharmD, of the Linton Square Pharmacy, Delray Beach, FL, regarding suspicious activity relating to a physician. On February 26, 2010, Dr. Barnhart advised Detective Keith that Dr. Blady frequently picked up oxycodone prescriptions for several of his patients. Dr. Blady was also the prescribing physician and paid cash for the prescriptions, despite some of the patients having insurance.

4. Oxycodone (opioid, Schedule II) is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes (2009), oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of oxycodone may lead to severe psychological or physical dependence.

5. Dr. Barnhart advised that, in September 2009, he received a telephone call from the Delray Shores Pharmacy. The pharmacist from the Delray facility then advised Dr. Barnhart that Dr. Blady had submitted a prescription for oxycodone to be filled for patient RG, who was deceased. *At the time, Dr. Blady indicated to the Delray Shores pharmacist that he was not aware of the patient's death.*

6. Dr. Barnhart provided the names and drug profiles of three patients for whom Dr. Blady prescribed and picked up prescriptions at the Linton Square Pharmacy. Patient initials are RG, MB and VB. Dr. Blady prescribed 30 milligrams of oxycodone to each of these patients.

7. Dr. Barnhart advised that of the three patients for whom Dr. Blady prescribed and picked up the oxycodone, he could not recall actually having seen any of

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the patients. Dr. Blady paid cash, and did not request that any insurance documentation be filed. Additionally, Dr. Burnhart provided information that patients MB and VB may have had a familial relationship with Dr. Blady.

8. Detective Keith confirmed that patient RG was, deceased, having died on August 18, 2009. Per the prescription profile provided by Dr. Burnhart, Dr. Blady issued prescriptions for RG on August 27, 2009 and on September 21, 2009. Both prescriptions were for 200 oxycodone, 30 mg tablets. Dr. Burnhart advised that Dr. Blady received both of these filled prescriptions.

9. Detective Keith then contacted Thom Dildine, RPh, at the Delray Shores Pharmacy, Delray Beach, FL. Mr. Dildine advised that he was familiar with Dr. Blady as Dr. Blady was friends with Mr. Dildine's father. Mr. Dildine had known Dr. Blady for approximately five years.

10. Mr. Dildine indicated that Dr. Blady frequently picked up patients' medications for them and recalled an incident on September 21, 2009 where, after Medicare notified him of patient RG's death, Dr. Blady came in to the pharmacy to pick up a prescription for oxycodone for RG. Mr. Dildine refused to fill the prescription due to RG being deceased and Dr. Blady told him that he was unaware of RG's death. Mr. Dildine then notified surrounding pharmacies of Dr. Blady's attempt to fill a prescription for a deceased patient.

11. RG's death certificate, bearing the signature of Dr. Blady and dated August 19, 2009, provided the following information: RG's date of death - August 18,

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2009, Place of death - Decedent's home and was signed by Dr. Henry Blady, License # ME 0039143 as certifying physician. Dr. Blady also completed a form authorizing cremation of the body of RG.

12. The information on the death certificate directly contradicts the statement of Dr. Blady that he had been unaware of RG's death at the time he tried to fill the prescription with Mr. Dildine. Additionally, an "attended death report" form prepared by the Delray Beach Police Department on August 18, 2009, indicated that Dr. Blady discovered the death of RG after going to RG's residence to discuss blood work with RG. Dr. Blady provided the following information for the report: RG had been his patient for 27 years and RG suffered from pancreatitis, low potassium and stomach pains. RG was taking the following medications: Temazepam, Alprazolam, Amlipidine, Dlovan HCT, Crestor and Bopropion. Oxycodone and amphetamines were not provided as medications that RG was taking although the prescription profiles for RG showed consistent monthly oxycodone prescriptions for at least the year 2009. Dr. Blady prescribed amphetamines, for the first time, to RG on August 17, 2009, the day before RG's death.

13. Dawn Aderholt, pharmacy technician at the Medication Station Pharmacy, Boynton Beach, FL, identified Dr. Blady as coming into the pharmacy on September 29, 2009 and attempting to fill a prescription for RG. Dr. Blady responded to RG's name when he was addressed by the pharmacist. Due to the warning phone call from the Delray Shores Pharmacy the pharmacist at Medication Station Pharmacy asked for

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Dr. Blady's identification proving that he was RG. Dr. Blady then left the store saying his identification was in his car. The prescription was not filled.

14. Mr. Dildine provided prescription profiles for RG and MB. Both were dispensed oxycodone in the previous year as a result of prescriptions from Dr. Blady. The prescription profiles indicate that Dr. Blady issued 5 prescriptions for oxycodone, 30 mg tablets for RG on or between August 24 and September 29, 2009. RG had been dead 6 days when the August 24 prescription was filled.

15. Patient profiles and prescription copies obtained from Delray Shores Pharmacy and Linton Square Pharmacy show that Dr. Blady prescribed the following prescriptions for RG on the dates and in the quantities described in the following table:

PATIENT - RG	
<i>Patient RG died on August 18, 2009.</i>	
OXYCODONE, 30 Mg	
DATE	QTY
8/24/09	100
8/27/09	200
9/21/09	200 (two prescriptions on 9/21/09)
9/21/09	200
9/29/09	100 (not filled by pharmacy)
TOTAL	800

16. Patient MB died November 20, 2008. MB was Dr. Blady's mother-in-law. The prescription profiles reflect that RG and MB had the same date of birth and lived at the same address. MB's death certificate indicates that MB died in a hospice facility in Boca Raton, FL. Dr. Blady was not the certifying physician.

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17. Patient profiles and prescription copies obtained from Delray Shores Pharmacy and Linton Square Pharmacy show that Dr. Blady prescribed the following prescriptions for MB, on the dates and in the quantities described in the following table:

PATIENT - MB				<i>Patient MB died on November 20, 2008</i>									
Oxycodone 30 mg		Trazodone 100 mg		Hydromorphone (Dilaudid) 8 mg		Diazepam 10 mg		Zolpidem Tartrate 10 mg		Endocet		Amphetamine 10 mg	
Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty
1/14/09	100	1/21/09	100	2/25/09	100	2/25/09	100	1/21/09	100	4/17/09 (7.5/325)	150	3/5/09	60
1/23/09	100	4/8/09	100	3/30/09	100	4/8/09	100	2/3/09	100	7/27/09 (5/325)	200	7/27/09	60
2/3/09	100	7/15/09	100	5/8/09	100	5/18/09	100	5/18/09	100			9/9/09	60
3/12/09	200	8/24/09	100			6/16/09	200	6/16/09	200				
3/18/09	100					7/30/09	100	7/2/09	100				
3/23/09	100					10/2/09	100	7/15/09	100				
3/26/09	60							8/17/09	100				
4/8/09	100							9/14/09	100				
4/10/09	100												
4/10/09	100												
4/27/09	100												
5/8/09	200												
5/18/09	100												
5/30/09	200												

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Oxycodone 30 mg		Trazodone 100 mg		Hydromorphone (Dilaudid) 8 mg		Diazepam 10 mg		Zolpidem Tartrate 10 mg		Endocet		Amphetamine 10 mg	
Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty
6/10/09	200												
6/16/09	100												
6/18/09	200												
6/22/09	200												
7/2/09	100												
7/15/09	100												
7/17/09	200												
7/27/09	200												
8/20/09	200												
9/9/09	200												
9/14/09	200												
9/25/09	200												
10/20/09	200												
11/3/09	200												
11/16/09	200												
11/30/09	200												

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Oxycodone 30 mg		Trazodone 100 mg		Hydromorphone (Dilaudid) 8 mg		Diazepam 10 mg		Zolpidem Tartrate 10 mg		Endocet		Amphetamine 10 mg	
Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty	Date	Qty
12/15/09	200												
1/13/10	200												
1/22/10	200												
2/5/10	200												
2/24/10	200												
TOTAL	5560	TOTAL	400	TOTAL	300	TOTAL	700	TOTAL	900	TOTAL	350	TOTAL	180

18. Regarding patient VB, a search of the Florida driver's license data bank revealed no driver's license issued to VB; however, prescription profiles provided by the Delray Shore and Linton Square Pharmacies show VB's address to be the same as Dr. Blady's home address.

19. On or about March 12, 2010, a search warrant was obtained and executed at the 400 East Linton Blvd. office of Dr. Blady and the 4505 Ocean Blvd. residence of Dr. Blady. Patient medical records were located for MB and RG during the search of Dr. Blady's office. No medical records were found for VB at either Dr. Blady's office or his residence. In addition, investigators located an assortment of medications, in third party names, in Dr. Blady's desk.

20. Patient profiles and prescription copies obtained from Delray Shores

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Pharmacy and Linton Square Pharmacy show that Dr. Blady prescribed the following prescriptions for VB, on the dates and in the quantities described in the following table:

PATIENT – VB				<i>No medical records found for patient VB</i>			
Oxycodone 30 mg		Zolpidem Tartrate 10 mg		Diazepam 10 mg		Amphetamine 10 mg	
<u>Date</u>	<u>Qty</u>	<u>Date</u>	<u>Qty</u>	<u>Date</u>	<u>Qty</u>	<u>Date</u>	<u>Qty</u>
5/14/09	200	2/18/10	100	2/18/10	100	1/5/10	60
5/28/09	200					2/8/10	60
6/2/09	200						
6/8/09	100						
6/26/09	200						
12/21/09	200						
12/28/09	200						
1/5/10	200						
1/19/10	200						
1/25/10	200						
2/18/10	200						
TOTAL	2100	TOTAL	100	TOTAL	100	TOTAL	120

21. a. Hydromorphone, whose brand name is Dilaudid, is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, (2009), hydromorphone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of hydromorphone may lead to severe psychological or physical dependence.

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- b. Trazodone is indicated for the treatment of depression and is a legend drug as defined by Section 465.003(8), Florida Statutes.
- c. Diazepam is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, (2009), diazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of diazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.
- d. Zolpidem is prescribed to treat insomnia. According to Title 21, Section 1308.14, Code of Federal Regulations, zolpidem is a Schedule IV controlled substance. Zolpidem can cause dependence and is subject to abuse.
- e. Amphetamine is a stimulant. According to Section 893.03(2), Florida Statutes, amphetamine is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of amphetamine may lead to severe psychological or physical dependence.
- f. Endocet contains oxycodone and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United

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States, and abuse of oxycodone may lead to severe psychological or physical dependence.

22. Based on the drug profiles from Delray Shores Pharmacy, Linton Square Pharmacy and from the prescriptions obtained, it was determined that over a period of 13 months and ten days, Dr. Blady prescribed 11,580 tablets of prescription drugs to RG, MB and VB. Of the 11,580 tablets, 11,180 were controlled substances and the other 400 were Trazodone, an antidepressant. Of the controlled substances 8,760 were prescribed to two deceased patients, RG and MB, as were the antidepressants. 2,420 controlled substances were prescribed to patient VB, a patient whose pharmaceutical drug profile lists Dr. Blady's home address as that of the patient and who had no medical records at Dr. Blady's office or home.

23. On or between July and September 2009, Dr. Blady ordered 4,000 oxycodone 30 mg tablets, which he had delivered to his medical office. Dr. Blady's office staff were unable to provide dispensing logs to account for the disposition or whereabouts of the 4,000 oxycodone tablets ordered by Dr. Blady. Dr. Blady is not a dispensing practitioner.

24. During the execution of the search warrant, DEA Investigator Janice Barnes audited Dr. Blady's order and prescribing records. No dispensing logs were produced to accurately account for the disposition of the 4,000 oxycodone 30 mg tablets that were ordered by Dr. Blady. Incorrectly completed order forms accounted for 2,000 tablets of oxycodone. During the execution of the search warrant, Dr. Sarro,

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a physician at the practice, advised that he did not believe the oxycodone orders were appropriate for the practice conducted at Dr. Blady's office and in December 2009, he had warned Dr. Blady to stop having the drugs shipped to the office.

25. During the execution of the search warrant at Dr. Blady's residence, investigators located the following items: baggies of marijuana; handguns; drug paraphernalia, including scales, lighters, tins, pipes, used and unused syringes, scissors, clips; completed and signed prescription forms bearing the names of MB and other verified patients of Dr. Blady; copies of prescription forms bearing the names of MB, RG and other verified patients of Dr. Blady; a large variety of prescription drug bottles bearing the names of MB, VB and other verified patients of Dr. Blady; pharmacy receipts reflecting payment and pick up of controlled substances for patient MB; a variety of prescription drugs to include oxycodone, and U.S. currency in multiple denominations.

26. Marijuana is a Schedule 1 controlled substance pursuant to Chapter 893, Florida Statutes (2009). A substance in Schedule 1 has a high potential for abuse and has no currently accepted medical use in treatment in the United States, and its use under medical supervision does not meet accepted safety standards.

27. Immediately following the execution of the search warrants, Dr. Blady was arrested for:

- 1) Thirty-six counts of Trafficking in Oxycodone, a first degree felony, in violation of Section 893.135(1)(c), Florida Statutes (2009). Each offense

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is punishable by up to 30 years in prison and carries a minimum mandatory prison sentence.

2) Sixty-three counts of Obtaining a Controlled Substance by Fraud, a third degree felony, in violation of Section 893.13(7)(a)9, Florida Statutes (2009). Each offense is punishable by up to 5 years in prison.

3) Sixty-seven counts of Criminal use of Personal Identification Information of Deceased, a third degree felony, in violation of Section 817.568(8)(a), Florida Statutes (2009). Each offense is punishable by up to 5 years in prison.

28. At the time of his arrest, Dr. Blady had what appeared to be extensive track marks on the inside of both of his arms, an "ugly deep purplish blue." Dr. Blady also had a capped syringe containing blue fluid and an elastic tourniquet in his left front pocket and a single oxycodone, 30 mg tablet in his right pocket. He did not have a prescription for either of them.

29. Following his arrest, Dr. Blady bonded out of jail with the special condition that he refrain from practicing medicine. However, Dr. Blady's DEA registration number is still current. DEA has requested that it be surrendered, but it has not been at this time.

30. Upon his release from jail, Dr. Blady checked into a detoxification center for three days for "self medicating himself." He was released and is now participating in an outpatient treatment program.

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31. Section 458.331(1)(s), Florida Statutes (2009), subjects a physician to discipline, including suspension, for being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

32. Section 120.60(6), Florida Statutes (2009), authorizes the Department to suspend a medical doctor's license if the Department finds that the medical doctor presents an immediate serious danger to the public health, safety or welfare.

33. Dr. Blady is unable to practice with the requisite skill and safety due to his abuse of oxycodone, and/or other controlled substances, as evidenced by his physical appearance at the time of his arrest, his own admissions to a substance abuse problem, and the items seized from Dr. Blady.

34. Dr. Blady presents an immediate serious danger to the public health, safety or welfare due to his abuse of drugs and/or narcotics and due to his clearly impaired judgment, which led to his arrest for obtaining prescription drugs by fraud, use of patients personal identification information, and his prescribing of controlled substances and legend drugs to deceased patients or patients with no medical records in order to obtain those substances for his own use. Due to his inability to practice with skill and safety, Dr. Blady is subject to discipline pursuant to Section 458.331(1)(s), Florida Statutes (2009).

35. Section 458.331(1)(k), Florida Statutes (2009), subjects a licensee to

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discipline, including suspension, for making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

36. Dr. Blady violated Section 458.331(1)(k), Florida Statutes (2009), by illegally obtaining a highly addictive and dangerous controlled substance using the personal identification information of patients, at least two of whom are deceased.

37. Section 458.331(1)(m), Florida Statutes (2009), subjects a licensee to discipline, including suspension, for failing to keep legible, as defined by Department rule in consultation with the Board of Medicine, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

38. Dr. Blady violated Section 458.331(1)(m), Florida Statutes (2009), by failing to keep any medical records for the treatment of and the drugs prescribed to patient VB.

39. Section 458.331(1)(q), Florida Statutes (2009), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in

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the course of the physician's professional practice. It is legally presumed that prescribing legend drugs, including controlled substances, inappropriately is not in the course of the physician's professional practice.

40. Dr. Blady violated Section 458.331(1)(q), Florida Statutes, by inappropriately prescribing controlled substances to patients, or alleged patients, VB, RG, and MB.

- a. As to patient VB, no medical records were discovered in the search of Dr. Blady's office or residence and VB's address is the same as Dr. Blady's home address.
- b. As to patient RG, Dr. Blady prescribed and/or picked up controlled substances for RG on multiple occasions on or between August 24 and September 29, 2009. Dr. Blady signed the death certificate, provided the cause of death and authorized the cremation of this patient on August 19, 2009.
- c. As to patient MB, Dr. Blady prescribed and/or picked up 36 prescriptions for controlled substances on or between January 14 and October 2, 2009. MB died on November 20, 2008.

There exists no medical justification for the prescribing of controlled substances to RG and/or MB and there is no documented medical justification for the prescribing of controlled substances for VB.

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41. Obtaining controlled substances for one's own use by fraudulently obtaining those drugs is egregious and dangerous. These actions placed Dr. Blady in possession of considerable amounts of dangerous, addictive controlled substances and legend drugs to include: 8,360 units of oxycodone, 30 milligrams; 300 units of amphetamine, 10 milligrams; 800 units of diazepam, 10 milligrams; 1,000 units of zolpidem tartrate, 10 milligrams; 350 total units of Endocet, 5/325 and 7.5/325; 400 units of trazodone, 100 milligrams and 300 units of hydromorphone HCL/Dilaudid, 8 milligrams. Dr. Blady criminally used patient information to write fraudulent prescriptions in order to obtain controlled substances. The actions of Dr. Blady were not performed in the course of a legitimate physician-patient relationship, but instead to obtain and divert the drugs for his own use.

42. Dr. Blady has demonstrated a flagrant disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida. Dr. Blady's egregious conduct of illegally obtaining excessive highly addictive and dangerous drugs constitutes a breach of the trust and confidence that the Legislature placed in him by authorizing the Board of Medicine to issue him a license to practice medicine.

43. This breach of trust and confidence is particularly alarming because of Dr. Blady's repeated use of the personal identification information of his patients to obtain drugs for himself. Dr. Blady abandoned his role as a doctor to assume the role of thief, perpetrator of fraud, and drug user.

44. Dr. Blady's behavior establishes that he is unable to refrain from obtaining

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and using dangerous and highly addictive controlled substances. It further reveals that Dr. Blady is willing to violate both the criminal laws of the State of Florida and the rules and laws governing the practice of medicine in order to obtain these addictive and dangerous controlled substances. This alarming pattern showing an inability to control his behavior illustrates the danger that Dr. Blady poses to the public and confirms that, despite the order of the court to refrain from practicing medicine, as long as Dr. Blady has a valid DEA registration and medical license, he will remain a danger. Dr. Blady has a demonstrated history of failing to comply with rules, regulations and laws and there is no reason to believe that a court order to refrain from practice will have a greater impact. Dr. Blady is a danger as long as he maintains his medical license and ability to prescribe. Nothing short of the immediate suspension of Dr. Blady's license will protect the public from Dr. Blady.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction pursuant to Section 456.073(8), Florida Statutes, and Section 20.43(3)(g), Florida Statutes.
2. Dr. Blady violated Section 458.331(1)(s), Florida Statutes (2009), by being unable to practice medicine with reasonable skill and safety to patients by reason of his illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of his mental or physical condition.

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3. Dr. Blady violated Section 458.331(1)(k), Florida Statutes (2009), by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

4. Dr. Blady violated Section 458.331(1)(m), Florida Statutes (2009), by failing to keep legible, as defined by Department rule in consultation with the Board of Medicine, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of his patients, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

5. Dr. Blady violated Section 458.331(1)(q), Florida Statutes (2009), by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of his professional practice.

6. Dr. Blady's continued practice as a physician constitutes an immediate serious danger to the health, safety, and welfare of the public, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes, it is ORDERED THAT:

1. The license of Henry Blady, M.D., license number ME 39143, is

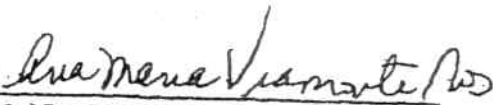
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immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Henry Blady, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes.

DONE and ORDERED this 12 day of April, 2010.


Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

PREPARED BY:
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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

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