



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 22, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas Mydosh, M.D.
[REDACTED]

Thomas Mydosh, M.D.
350 Parrish Street
Canandaigua, New York 14424

Ian H. Silverman, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

RE: In the Matter of Thomas Mydosh, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 16-315) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

**Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204**

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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.

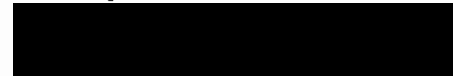
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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,



James F. Moran
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah
Enclosure

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

**IN THE MATTER
OF
THOMAS MYDOSH, M.D.**

**DETERMINATION
AND
ORDER**

BPMC #16-315

COPY

A Notice of Hearing, dated May 16, 2016, and an Amended Statement of Charges, dated June 8, 2016, were served on Thomas Mydosh, M.D. A hearing was held pursuant to N.Y. Public Health Law §230 and New York State Admin. Proc. Act §§ 301-307 and 401 on June 28, 2016 at the Offices of the New York State Department of Health, 150 Broadway, Albany, New York ("the Petitioner"). Peter B. Kane, M.D., Chair, Virginia R. Marty, and Gregory Allen Threatte, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. David A. Lenihan, Esq., Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by Ian H. Silverman, Esq., of Counsel. The Respondent did not appear although duly served.

Evidence was received and a transcript of these proceedings was made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Date of Service of Notice of Hearing and Statement of Charges:	May 16, 2016
Answer Filed:	None
Hearing Date:	June 28, 2016
Witness for Petitioner:	April Soltren, Senior Medical Conduct Investigator
Witnesses for Respondent:	None
Deliberations Date:	June 28, 2016

STATEMENT OF THE CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York (§230 *et seq.* of the Public Health Law of the State of New York ["P.H.L."]). This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("Petitioner" or "Department") pursuant to §230 of the P.H.L. Dr. Mydosh ("Respondent") is charged with four (4) specifications of professional misconduct as set forth in §6530 of the Education Law of the State of New York ("Education Law").

At the hearing, the Statement of Charges was amended to add the fourth specification, namely the failure to provide access to patient information. (T. 11) Copies of the Notice of Hearing, Statement of Charges, and Amended Statement of Charges

are attached hereto as Appendix 1. Copies of the 2015 Consent Order, dated June 23, 2015 and Consent Agreement, dated June 18, 2016 are attached hereto as Appendix 2.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to transcript page numbers or exhibits, denoted by the prefixes "T." or "Ex.". These citations refer to 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.

1. Respondent was authorized to practice medicine in New York State on or about December 31, 1987, by the issuance of license number 173340 by the New York State Education Department. (Petitioner's Ex. 4)
2. On or about June 18, 2015, Respondent voluntarily entered into Consent Order BPMC No. 15-160 ("Order") with the New York State Board for Professional Misconduct ("Board"). Respondent's conduct that gave rise to the discipline centered around his treatment and care of eight patients. Respondent discontinued his medical practice without giving notice to these eight patients, without making reasonable arrangements for the continuation of the patients' medical care and failed to forward the patients' medical records to their new

medical provider despite many requests and/or attempts to have the records forwarded. By entering the Order, Respondent admitted guilt to abandoning or neglecting a patient under and in need of immediate professional care in violation of N.Y. Educ. Law §6530(30). The Order was approved by the Board on or about June 23, 2015 and became effective July 1, 2015. The Order imposed, among other things, the following penalties and conditions:

- a. A condition that Respondent shall comply with Exhibit "C" of the Consent Agreement ("Requirements for Closing a Medical Practice Following Medical License Revocation, Surrender, Limitation or Suspension");
- b. A condition that Respondent shall cooperate fully with OPMC in its administration and enforcement of the Consent Order, and in its investigation of all matters concerning Respondent. Respondent was required to respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of the Consent Order. Respondent was also required to meet with a person designated by the Director of OPMC, and to promptly provide OPMC with all documents and information within Respondent's control, as directed. (Petitioner's Ex. 4)

3. Respondent failed to comply with the Board Order in the following ways:

- (i) Respondent failed to comply with the September 4, 2014 notice from OPMC staff providing Respondent with a written list of patients who had contacted OPMC to obtain a copy of their medical records;
- (ii) Respondent failed to comply with the June 19, 2015 notice from OPMC staff

providing Respondent's attorney with two additional patient names who had requested medical records from Respondent pursuant to Exhibit C of the Consent Order; and

(iii) Respondent failed to comply with the June 30, 2015, letter from OPMC staff requesting information in the form of a "data sheet", the close of practice requirements and a close of practice checklist. (Petitioner's Ex. 4)

4. Since August 16, 2015 Respondent has not provided any patient record to any patient, nor has he complied with the requirements of the Order that he fully cooperate with OPMC, including responding promptly to all OPMC requests to provide written periodic verification of his compliance with the terms of the order. (Petitioner's Ex. 7-10)

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

FAILURE TO COMPLY WITH AN ORDER

"Respondent violated N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of section two hundred thirty of the public health law..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

"Respondent violated N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law...."

VOTE: Sustained (3-0)

THIRD SPECIFICATION

FAILURE TO PROVIDE ACCESS TO PATIENT INFORMATION

"Respondent violated N.Y. Educ. Law § 6530(40) by failing to provide access by qualified persons to patient information in accordance with the standards set forth in section eighteen of the public health law..."

VOTE: Sustained (3-0)

FOURTH SPECIFICATION

FAILURE TO COMPLY WITH § 230(10)(h) OF THE PUBLIC HEALTH LAW

"Respondent violated N.Y. Educ. Law § 6530(14) by violating § 230 (10)(h) (ii) of the Public Health Law by failing to notify his patients of the cessation of his practice..."

VOTE: Sustained (3-0)

DISCUSSION

Respondent is charged with four (4) specifications alleging professional misconduct within the meaning of §6530 of the Education Law. These charges have been deemed admitted and the Hearing Committee determined that these allegations and all of the charges contained in the Statement of Charges were established by a preponderance of the evidence.

The record in this case shows that the Respondent was authorized to practice medicine in New York State on or about December 31, 1987, by the issuance of license number 173340 by the New York State Education. The Respondent did not appear at the hearing either in person or by counsel. The Administrative Law Judge ruled that Petitioner's Exhibit 2, an Affidavit of Service for the Notice of Hearing and the Statement of Charges, shows that personal service has been accomplished and that the hearing could proceed on the merits notwithstanding the non-appearance of the Respondent

At the hearing, the Department's attorney indicated that he had been in touch, telephonically, with the Respondent's attorney from a prior matter, Mr. Richard Holtzberg, Esq. of Rochester, New York. Mr. Holtzberg indicated that he has lost all contact with the Respondent for over a year (T. 6) and withdrew from the case as he no longer represents Respondent (T. 7).

The evidence in this case shows that Respondent voluntarily entered into a Consent Order that gave rise to the discipline centered around his treatment and care

of eight patients. Respondent discontinued his medical practice without giving notice to these eight patients, without making reasonable arrangements for the continuation of the patients' medical care and failed to forward the patients' medical records to their new medical provider despite many requests and/or attempts to have the records forwarded. By entering the Order, Respondent admitted guilt to abandoning or neglecting a patient under his care and in need of immediate professional care in violation of N.Y. Educ. Law §6530(30).

This Order was approved by the Board on or about June 23, 2015 and became effective July 1, 2015. The Order imposed, among other things, a condition that Respondent shall cooperate fully with OPMC in its administration and enforcement of the Consent Order, and in its investigation of all matters concerning Respondent. Respondent was required to respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent was also required to meet with a person designated by the Director of OPMC, and to promptly provide OPMC with all documents and information within Respondent's control, as directed.

The testimony at the hearing from Ms. April Soltren, a senior medical conduct investigation for the Department, established that Dr. Mydosh failed to comply with the Board Order in the following ways:

- (i) Respondent failed to comply with the September 4, 2014 notice from OPMC staff providing Respondent with a written list of patients who had contacted OPMC to obtain a copy of their medical records;
- (ii) Respondent failed to comply with the June 19, 2015 notice from OPMC staff

providing Respondent's attorney with two additional patient names who had requested medical records from Respondent pursuant to Exhibit C of the Consent Order; and

(iii) Respondent failed to comply with the June 30, 2015, letter from OPMC staff requesting information in the form of a 'data sheet', the close of practice requirements and a close of practice checklist. (T. 16 – 51)

Finally, the record herein shows that, since August 16, 2015, Respondent has not provided any patient record to any patient, nor has he complied with the requirements of the order that he fully cooperate with OPMC, including responding promptly to all OPMC requests to provide written periodic verification of his compliance with the terms of the order.

Since the Respondent did not appear or contest the specifications, the charges are deemed admitted and thus all that remained was for the panel to determine an appropriate penalty. The panel was unanimous in finding that the actions of the Respondent warranted revocation of the Respondent's New York license as the only appropriate protection for New York patients. The panel noted that the record does not contain any evidence of mitigating circumstances or remorse. The panel based its determination on the documentation in the record and the testimony from the Department's witness at the hearing.

The panel considered the full range of penalties available and was unanimous that revocation would be the proper penalty. Accordingly, as to the penalty to be

imposed, the Hearing Committee determined that the people of New York State would be protected by a revocation of the Respondent's license.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. The license of the Respondent to practice medicine in New York State is **REVOKED**.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Cazenovia, New York

August , 2016
SEPTEMBER 22, 2016


Peter B. Kane, M.D., Chair

**Virginia R. Marty
Gregory Allen Threatte, M.D.**

To:

Thomas Mydosh, M.D.,



**Thomas Mydosh, M.D.,
350 Parrish Street
Canandaigua, NY 14424**

**Ian H. Silverman, Esq.
Attorney for Petitioner
Assistant Counsel
NYS Department of Health
Coming Tower, Room 2512
Empire State Plaza
Albany, N.Y. 12237**

APPENDIX 1

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

IN THE MATTER
OF
THOMAS MYDOSCH, M.D.

NOTICE
OF
HEARING

TO: Thomas Mydosch, M.D. Thomas Mydosch, M.D.
[REDACTED] 350 Parrish Street
Canandaigua, NY 14424

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 June 28, 2016 at 10:00 a.m., at the Offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses.

EXHIBIT
1

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such 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. 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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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 to be imposed or appropriate action to be taken. Such 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 OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, NY
May 11, 2016


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:

**Ian H. Silverman
Assistant Counsel
Bureau of Professional Medical Conduct
Coming Tower, Room 2512
Empire State Plaza
Albany, New York 12237**

IN THE MATTER
OF
THOMAS MYDOSH, M.D.

STATEMENT
OF
CHARGES

Thomas Mydosh, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 31, 1987 by the issuance of license number 173340 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 18, 2015, Respondent voluntarily entered into Consent Order BPMC No. 15-160 ("Order") with the New York State Board for Professional Misconduct ("Board"). Respondent's conduct that gave rise to the discipline centered around his treatment and care of eight patients. Respondent discontinued his medical practice without giving notice to these eight patients, without making reasonable arrangements for the continuation of the patients' medical care and failed to forward the patients' medical records to their new medical provider despite many requests and/or attempts to have the records forwarded. By entering the Order, Respondent admitted guilt to abandoning or neglecting a patient under and in need of immediate professional care in violation of N.Y. Educ. Law §6530(30). The Order was approved by the Board on or about June 23, 2015 and became effective July 1, 2015. The Order imposed, among other things, the following penalties and conditions:

1. A condition that Respondent shall comply with Exhibit "C" of the Consent Agreement ("Requirements for Closing a Medical Practice Following Medical License Revocation, Surrender, Limitation or Suspension.")
2. A condition that Respondent shall cooperate fully with OPMC in its administration and enforcement of the Consent Order, and in its investigation of all matters concerning Respondent. Respondent was required to respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent was also required to meet with a person designated by the Director

of OPMC, and to promptly provide OPMC with all documents and information within Respondent's control, as directed.

B. Respondent failed to comply with the Board Order in the following ways: (1) Respondent failed to comply with the September 4, 2014 notice from OPMC staff providing Respondent with a written list of patients who had contacted OPMC to obtain a copy of their medical records.; (2) Respondent failed to comply with the June 19, 2015 notice from OPMC staff providing Respondent's attorney with two additional patient names who had requested medical records from Respondent pursuant to Exhibit C of the Consent Order; (3) Respondent failed to comply with the June 30, 2015, letter from OPMC staff requesting information in the form of a "data sheet", the close of practice requirements and a close of practice checklist.

C. Since August 16, 2015 Respondent has not provided any patient record to any patient, nor has he complied with the requirements of the order that he fully cooperate with OPMC, including responding promptly to all OPMC requests to provide written periodic verification of his compliance with the terms of the order.

SPECIFICATION OF CHARGES
FIRST SPECIFICATION

FAILURE TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of section two hundred thirty of the public health law, as alleged in the facts of:

1. Paragraph A, B, and C.

SECOND SPECIFICATION

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

2. The facts in Paragraph A, B, and C.

THIRD SPECIFICATION

FAILURE TO PROVIDE ACCESS TO PATIENT INFORMATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(40) by failing to provide access by qualified persons to patient information in accordance with the standards set forth in section eighteen of the public health law, as alleged in the facts of:

3. The facts in Paragraph A, B, and C.

DATE: May/6, 2016
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct

IN THE MATTER

OF

THOMAS MYDOSCH, M.D.

AMENDED
STATEMENT
OF
CHARGES

Thomas Mydosch, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 31, 1987 by the issuance of license number 173340 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 18, 2015, Respondent voluntarily entered into Consent Order BPMC No. 15-160 ("Order") with the New York State Board for Professional Misconduct ("Board"). Respondent's conduct that gave rise to the discipline centered around his treatment and care of eight patients. Respondent discontinued his medical practice without giving notice to these eight patients, without making reasonable arrangements for the continuation of the patients' medical care and failed to forward the patients' medical records to their new medical provider despite many requests and/or attempts to have the records forwarded. By entering the Order, Respondent admitted guilt to abandoning or neglecting a patient under and in need of immediate professional care in violation of N.Y. Educ. Law §6530(30). The Order was approved by the Board on or about June 23, 2015 and became effective July 1, 2015. The Order imposed, among other things, the following penalties and conditions:

1. A condition that Respondent shall comply with Exhibit "C" of the Consent Agreement ("Requirements for Closing a Medical Practice Following Medical License Revocation, Surrender, Limitation or Suspension.")
2. A condition that Respondent shall cooperate fully with OPMC in its administration and enforcement of the Consent Order, and in its investigation of all matters concerning Respondent. Respondent was required to respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent was also required to meet with a person designated by the Director



of OPMC, and to promptly provide OPMC with all documents and information within Respondent's control, as directed.

B. Respondent failed to comply with the Board Order in the following ways: (1) Respondent failed to comply with the September 4, 2014 notice from OPMC staff providing Respondent with a written list of patients who had contacted OPMC to obtain a copy of their medical records.; (2) Respondent failed to comply with the June 19, 2015 notice from OPMC staff providing Respondent's attorney with two additional patient names who had requested medical records from Respondent pursuant to Exhibit C of the Consent Order; (3) Respondent failed to comply with the June 30, 2015, letter from OPMC staff requesting information in the form of a "data sheet", the close of practice requirements and a close of practice checklist.

C. Since August 18, 2015 Respondent has not provided any patient record to any patient, nor has he complied with the requirements of the order that he fully cooperate with OPMC, including responding promptly to all OPMC requests to provide written periodic verification of his compliance with the terms of the order.

SPECIFICATION OF CHARGES
FIRST SPECIFICATION

FAILURE TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of section two hundred thirty of the public health law, as alleged in the facts of:

1. Paragraph A, B, and C.

SECOND SPECIFICATION

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the

licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

2. The facts in Paragraph A, B, and C.

THIRD SPECIFICATION

FAILURE TO PROVIDE ACCESS TO PATIENT INFORMATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(40) by failing to provide access by qualified persons to patient information in accordance with the standards set forth in section eighteen of the public health law, as alleged in the facts of:

3. The facts in Paragraph A, B, and C.

FOURTH SPECIFICATION

FAILURE TO COMPLY WITH SECTION 230 (10) (h) (ii) OF THE PUBLIC HEALTH LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(14) by violating Section 230 (10) (h) (ii) of the Public Health Law, as alleged in the facts of:

4. The facts in Paragraph A, B, and C.

DATE: June 8, 2016
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct

APPENDIX 2



Department of Health

Public

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 24, 2015

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Thomas F. Mydosh, M.D



Re. License No. 173340

Dear Dr. Mydosh:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No 15-160. This order and any penalty provided therein goes into effect July 1, 2015.

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 to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.

If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518)402-0855.

Sincerely,



Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

cc Richard H. Holtzberg, Esq.
Holtzberg Law Firm
2526 Browncroft Boulevard
Rochester, NY 14625

Enclosure



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

IN THE MATTER
OF
THOMAS F. MYDOSCH, M.D.

CONSENT
ORDER

Upon the application of (Respondent) THOMAS F. MYDOSCH, 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 it is further

ORDERED, that this Consent 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.

DATE: 6/23/2015


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

1

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

IN THE MATTER
OF
THOMAS F. MYDOSCH, M.D.

CONSENT
AGREEMENT

THOMAS F. MYDOSCH, M.D., represents that all of the following statements are true:

That on or about December 31, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 173340 by the New York State Education Department.

My current address is [REDACTED], 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 (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I admit guilt to the first specification in full satisfaction of the charges against me, and agree to the following penalty:

My license shall be suspended for an indefinite period but no less than 12 months. I shall be subject to a condition that I comply with attached Exhibit "C" ("Requirements for Closing a Medical Practice Following Medical License Revocation, Surrender, Limitation or

Suspension." During the period of suspension, I shall be precluded from reliance upon my license to practice medicine to exempt me from the license, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated, or certified by the Board of Regents, Department of Education, Department of Health or the Department of State. Upon compliance with all the conditions of this Consent Order, but no sooner than 12 months from the effective date of this Consent Order, I may petition the Board for a Modification Order staying the indefinite suspension of my license.

I understand and agree:

That any Modification Order the Board may issue, in the exercise of its reasonable discretion, may include terms of probation, and/or further conditions on my practice.

That the Board will exercise its reasonable discretion upon my petition for a modification Order through a Committee on Professional Conduct after a proceeding in which I have met a burden of proof and persuasion, as further set forth in attached Exhibit "B";

That the Committee's exercise of discretion shall not be reviewable by the Administrative Review Board; and

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

- That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law §6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with

the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

- That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with

this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law §230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

- That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this 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, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully

complied with and satisfied the requirements of the Order, regardless of tolling; and

- That Respondent shall cooperate fully with OPMC in its administration and enforcement of this Consent Order and in its investigation of all matters concerning Respondent. Respondent shall respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, and shall promptly provide OPMC with all documents and information within Respondent's control, as directed. This condition 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 conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

If I am charged with professional misconduct in future, I hereby stipulate and agree that this Application and Consent Order, and/or related Modification Orders, shall be admitted into evidence in that proceeding as part of the Department's case-in-chief, at the sole discretion of the Department.

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 Consent Order shall take effect upon 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. This Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

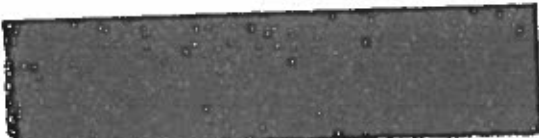
DATE 6-18-2015



THOMAS F. MYDOSHI, M.D.
RESPONDENT

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

DATE: 6/18/15



RICHARD H. HOLTZBERG, ESQ.
Attorney for Respondent

DATE: 6-19-15



LEE A. DAVIS
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/19/15



KEITH W. SERVIS
Director
Office of Professional Medical Conduct