



New York State Board for Professional Medical Conduct

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Executive Secretary

August 28, 2001

Robert Bentley, Director
Division of Professional Licensing
NYS Education Department
89 Washington Avenue, 2nd Floor
Albany, NY 12230

**RE: Modification of Consent Order
BPMC Order No. 00-242**

Dear Mr. Bentley:

Enclosed please find a **Modification of Consent Order 00-242**. A meeting of a Committee of the Board for Professional Medical Conduct was held on July 17, 2001. The Committee ordered that the suspension of the medical license of Deborah Mendelsohn, RPA, License No. 006093 be lifted and that Ms. Mendelsohn be allowed to practice medicine subject to the restrictions contained in the enclosed Order which became effective **August 11, 2001**.

Sincerely,

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

Enclosure

cc: Daniel Kelleher

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

IN THE MATTER

MODIFICATION

OF

OF

DEBORAH MENDELSON, RPA

CONSENT ORDER

This matter was brought to the New York State Board for Professional Medical Conduct for decision at the request of Deborah Mendelsohn, RPA., (Petitioner), License No. 006093-1. Petitioner entered into a Consent Order effective August 31, 2000. The Order suspended Petitioner's license to practice as a physician assistant for an indefinite period. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for active practice and that she is both fit and competent to practice as a physician assistant.

A meeting of the Committee was held in the above-entitled proceeding on July 17, 2001. Petitioner appeared with her attorney, Sharif Mahdavian, Esq. before a Committee of the State Board for Professional Medical Conduct consisting of Arsenio G. Agopovich, M.D., Chair, Teresa S. Briggs, M.D. and Charlotte S. Buchanan. The Committee determined, by unanimous decision, after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that the suspension of Petitioner's license shall be stayed and she shall be allowed to practice as a physician assistant subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's return to practice as a physician assistant is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

Petitioner may not return to practice as a physician assistant until all proposed monitors have been approved by the Office of Professional Medical Conduct.

1. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of Petitioner's history.

Petitioner shall not self-prescribe any medications. Petitioner shall not treat or prescribe medications for any family member.

2. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of the Office of Professional Medical Conduct (OPMC). The Sobriety Monitor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, supervised, unannounced blood, breath and/or urine tests for the presence of alcohol and other drugs in Petitioner. Petitioner must be specifically tested for the presence of opiates.

Petitioner shall be screened five (5) times per month for the first year of practice. The Petitioner shall be called on a seven day a week basis. After the first year of practice, specimens shall be collected at the discretion of the monitor at a frequency to be approved by the Director of OPMC.

- b. The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.
 - c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the monitor otherwise learns, the Petitioner is not alcohol/drug free.
 - d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.
 - e. Petitioner shall report to the Sobriety Monitor **within four (4) hours** of being contacted by the Sobriety Monitor to submit a blood, breath and/or urine test.
 - f. Petitioner shall avoid all substances which may cause positive results such as poppy seeds/mouthwash/cough medication. **Any positive result will be considered a violation of this Order.**
 - g. If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or more, Petitioner shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by the OPMC.
3. Petitioner is restricted from solo practice for the duration of the five year probation period. Petitioner shall be supervised in her practice by a licensed physician (Practice Supervisor) proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order.

- a. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner may not be drug or alcohol free
 - b. The Practice Supervisor shall immediately report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
 - c. The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order
 - d. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Petitioner's practice, any unexplained absences from work, and Petitioner's compliance or failure to comply with each condition described within this Order.
4. Upon her return to active practice, Petitioner shall be restricted to working no more than thirty (30) hours per week for the first six (6) months. Night and weekend duty are to be included in this thirty (30) hour restriction. After that period, Petitioner may request an increase in her hours by submitting a written proposal to the Director of OPMC.
 5. Upon her return to active practice, Petitioner is restricted from prescribing any controlled substances for the first year. After that period, Petitioner may request that this restriction be lifted by submitting a written proposal to the Director of OPMC.
 6. Petitioner shall continue in treatment with a qualified health care professional (Therapist) proposed by Petitioner and approved in writing by the Director of OPMC. The therapist is to be familiar with the Petitioner's history of substance abuse and the terms of this Order. Petitioner will continue in

treatment with the Therapist for the duration of the Order, at a frequency of therapy visits to be decided by the Therapist. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that the approved Therapist is no longer willing or able to serve in that capacity.

a. The Therapist shall submit a report to OPMC every three (3) months certifying compliance with treatment by Petitioner and describing in detail any failure to comply.

b. The Therapist shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.

c. The Director of OPMC shall reserve the authority to have the Petitioner undergo an independent evaluation every six (6) months by a practitioner approved by the Director of OPMC who specializes in chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of all previous treatment records and a copy of this Order. Reports of such evaluations shall be submitted promptly to the Director. Petitioner shall follow treatment recommendations made by the evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease practice until it is determined she is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.

6. Petitioner shall continue participation in self-help fellowship (e.g., AA, NA, Caduceus, other) at a frequency recommended by the Committee for Physicians Health (CPH). Petitioner shall maintain an ongoing relationship with a sponsor.

7. Petitioner shall inform all physicians or other health care practitioners from whom Petitioner seeks treatment of Petitioner's history of substance abuse. Should Petitioner be prescribed any

controlled or mood altering substances, Petitioner shall notify the Sobriety Monitor and the Director of OPMC before such medications are administered.

8. Petitioner shall notify the Director of OPMC of any residential or practice address change as well as any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days.

9. The Director of OPMC shall reserve the right to conduct on-site review of Petitioner's office, office records, hospital practice and hospital records at least semi-annually.

10. Petitioner shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

11. Petitioner shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Petitioner's compliance with the terms of this Order. She shall personally meet with a person designated by the Director of OPMC as requested by the Director:

12. Petitioner shall conduct herself in all ways in a manner befitting her professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession.

13. Petitioner shall comply with all terms, conditions, restrictions and limitations to which she is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of

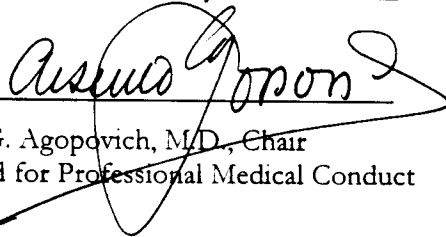
OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

DATE: _____

8/11/2001



Aresenio G. Agopovich, M.D., Chair
State Board for Professional Medical Conduct