



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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

PUBLIC

March 23, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Henry J. Dobies, M.D.
405 Country Road 40
Orchard Hill
Massena, NY 13662

RE: License No. 076017

Dear Dr. Dobies:

Enclosed please find Order #BPMC 00-88 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 23, 2000**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Sidney N. Herman, Esq.
Bartlit, Beck & Herman
54 West Hubbard Street
Suite 300
Chicago, IL 60610

Valerie B. Donovan, Esq.

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

IN THE MATTER
OF
HENRY J. DOBIES, M.D.

**CONSENT
AGREEMENT
AND
ORDER**

BPMC #00-88

HENRY J. DOBIES, M.D., (Respondent) says:

That on or about November 16, 1954, I was licensed to practice as a physician in the State of New York, having been issued License No. 07617 by the New York State Education Department.

My current address is 405 Country Road 40, Orchard Hill, Massena, New York 13662, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

On March 5, 1990, the New York State Education Department, by Order No. 10113, suspended my license to practice as a physician in the area of obstetrics until I successfully completed a course of retraining in obstetrics.

I understand that in the present action, the New York State Board for Professional Medical Conduct has charged me with thirteen specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the specifications and I hereby agree to the following

penalty:

Censure and Reprimand.

I agree that New York State Education Department Order No. 10113, remains in full force and effect.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its

investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

When requested, Respondent shall meet with a person designated by the Director of OPMC. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the

Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


AFFIRMED:

DATED March 8, 2000

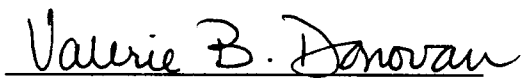
Henry J. Dobies, M.D.
HENRY J. DOBIES, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

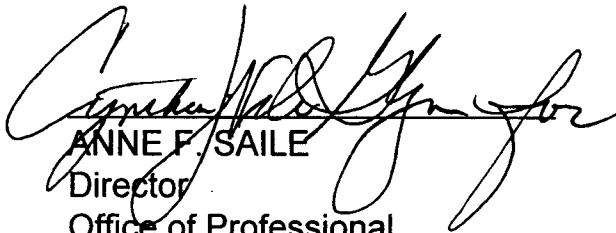
DATE: 3/10/00


SIDNEY N. HERMAN
Attorney for Respondent

DATE: 3/13/00


VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 3/13/00


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER

OF

HENRY J. DOBIES, M.D.

CONSENT

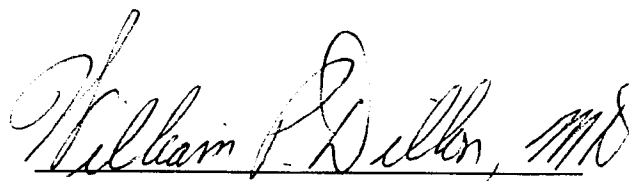
ORDER

Upon the proposed agreement of HENRY J. DOBIES, M.D. (Respondent) for a Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 3/18/00



WILLIAM P. DILLON, M.D.

Chair

State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
HENRY J. DOBIES, M.D. : CHARGES

-----X

HENRY J. DOBIES, M.D., the Respondent, was authorized to practice medicine in New York State on November 16, 1954, by the issuance of license number 07617 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 5, 1990, the New York State Education Department, by Order No. 10113, suspended Respondent from practicing obstetrics until he completed a one-year training program in obstetrics. Respondent has not completed this training program. The restriction from practicing obstetrics remains in place.

B. On or about July 21, 1992, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, One Hospital Drive, Massena, New York. In that application, Respondent agreed "to notify Massena Memorial Hospital in writing within 30 days of notification of any actions above described which occur during this two (2) year appointment/reappointment period."

C. On or about June 15, 1994, the American Board of Family Practice, Inc., sent Respondent a letter via certified mail notifying him that they had rescinded his diplomate status effective March 5, 1990. Respondent's certification was rescinded because the restriction to practice obstetrics levied by the 1990 State Education Department Order placed Respondent in violation of the American Board of Family Practice's policy on licensure.

D. On or about October 22, 1994, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, and fraudulently and/or with willful falseness responded "American Board of Family Practice 1988-1995" to the following question:

Board Certifications: Board Name and Date
Certified/Board Admissibility - Board Name and Year
When Admissibility Will Terminate.

E. On or about October 22, 1994, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, and fraudulently and/or with willful falseness responded "no" to the following question:

Since your appointment/last reappointment have you ever been denied membership or renewal of membership or been subject to disciplinary action in any medical or dental organization?

F. On or about October 22, 1994, Respondent signed an Application for Medical Staff Reappointment and Clinical

Privileges with Massena Memorial Hospital, and fraudulently and/or with willful falseness responded "yes" to the following question:

Applicant agrees to notify Massena Memorial Hospital in writing within 30 days of notification of any action above described which occur during this two (2) year appointment/reappointment period.

G. On or about November 18, 1996, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, and fraudulently and/or with willful falseness responded "American Academy of Family Physicians" to the following question:

Board Certifications: Board Name and Date
Certified/Board Admissibility - Board Name and Year
When Admissibility Will Terminate:

H. On or about November 28, 1997, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, and fraudulently and/or with wilful falseness responded "American Board Family Practice 1970 - 1976 - 1982 - 1988" to the following question:

Board Certifications: Board Name and Date
Certified/Board Admissibility - Board Name and Year
When Admissibility Will Terminate.

I. On or about September 2, 1998, Respondent signed an Application for Medical Staff Reappointment and Clinical Privileges with Massena Memorial Hospital, and fraudulently and/or with willful falseness responded "American Board Family Practice 1970 - 1976 - 1982 - 1988 - 1995" to the following question:

Board Certifications: Board Name and Date
Certified/Board Admissibility - Board Name and Year
When Admissibility Will Terminate:

J. From in or about June, 1994, through in or about May, 1998, Respondent fraudulently and/or with willful falseness did not inform his office staff of the termination of his certification with the American Board of Family Practice, knowing or with reckless disregard of the fact that staff would make representations of his status to the public or on applications for privileges.

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH SIXTH SPECIFICATIONS

WILFULLY MAKING OR FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making and filing a false report, or failing to file a report required by law or by the Department of Health or the Education Department, in that Petitioner charges:

1. The facts in Paragraphs A, B, C and/or D.
2. The facts in Paragraphs A, B, C and/or E.
3. The facts in Paragraphs A, B, C and/or F.
4. The facts in Paragraphs A, B, C, F and/or G.
5. The facts in Paragraphs A, B, C, F and/or H.
6. The facts in Paragraphs A, B, C, F and/or I.


SEVENTH THROUGH THIRTEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by New York Education Law § 6530(2) by practicing the profession of medicine fraudulently, in that Petitioner charges:

7. The facts in Paragraphs A, B, C and/or D.
8. The facts in Paragraphs A, B, C and/or E.
9. The facts in Paragraphs A, B, C and/or F.
10. The facts in Paragraphs A, B, C, F and/or G.
11. The facts in Paragraphs A, B, C, F and/or H.
12. The facts in Paragraphs A, B, C, F and/or I.
13. The facts in Paragraphs A, C and/or J.

DATED: *Mar. 13*, 2000
Albany, New York


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