



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

June 10, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kenneth R. Hughes, M.D.
714 Close Circle
Webster, New York 14580

RE: License No. 087984
Effective Date 6/17/94

Dear Dr. Hughes:

Enclosed please find Order #BPMC 94-79 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
KENNETH R. HUGHES, M.D. : BPMC 94-79

-----X

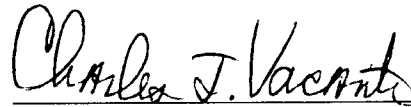
Upon the application of KENNETH R. HUGHES, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 1 June 1994



Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

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IN THE MATTER : APPLICATION
OF : FOR
KENNETH R. HUGHES, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF MONROE)

KENNETH R. HUGHES, M.D., being duly sworn, deposes and says:

That on or about August 8, 1962, I was licensed to practice as a physician in the State of New York, having been issued License No. 087984 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994.

I understand that the New York State Board for Professional Medical Conduct has charged me with three 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 First Specification in full satisfaction of the charges against me.

I hereby agree to the penalty that my license to practice

medicine shall be limited in accordance with the terms of probation attached hereto as Exhibit "B".

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Kenneth R. Hughes M.D.

KENNETH R. HUGHES, M.D.
RESPONDENT

Sworn to before me this

12th day of May, 1994.

Margaret McEwen-Craven
NOTARY PUBLIC

MARGARET McEWEN—CRAVEN
Notary Public in the State of New York
MONROE COUNTY
Commission Expires Jan 31, 19 95

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
KENNETH R. HUGHES, M.D. : CONSENT
: ORDER
-----X

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

DATE: 5/12/94

Kenneth R. Hughes M.D.
KENNETH R. HUGHES, M.D.
Respondent

DATE: _____

[none]
Attorney for Respondent

DATE: 5/17/94

Michael A. Hiser
MICHAEL A. HISER
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: Jun 6, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 1 June 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
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
KENNETH R. HUGHES, M.D. : CHARGES

-----X

KENNETH R. HUGHES, M.D., was authorized to practice medicine in New York State on August 2, 1962, by the issuance of license number 087984 by the New York State Education Department. The Respondent is currently registered to practice medicine in New York State by the New York State Education Department for the period January 1, 1993 through December 31, 1994 from 714 Close Circle, Webster, New York 14580.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (patients are identified in the attached appendix), a 74 year old female, from June 28, 1990 through August 17, 1990, at the Myers Community Hospital, Middle Road, P.O. Box 310, Sodus, New York, 14551 (hereafter, "Myers Community Hospital").

1. On or about June 28, 1990, Respondent inappropriately ordered the administration of 500 mg. of Pronestyl through intravenous push every 8 hours.

B. Respondent provided medical care to Patient B, an 83 year old male, from on or about June 26, 1990 through July 6, 1990, at Myers Community Hospital. Patient B was admitted with pneumonia and anemia

1. Respondent failed to order and/or record the ordering of adequate diagnostic tests for Patient B, including rectal and stool exams, tests regarding the patient's anemia, or tests to address noted laboratory abnormalities.

C. Respondent provided medical treatment to Patient C, a 73 year old male, from on or about May 21, 1990 through June 14, 1990, at the Myers Community Hospital. Patient C was admitted due to arthritis and anemia.

1. Respondent failed to perform and/or record the performance of adequate diagnostic tests for Patient C, including a rectal exam and complete liver function tests.

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion under New York Educ. Law §6530(3) (McKinney Supp. 1994), in that Petitioner charges that Respondent committed two or more of the following:

1. The facts of paragraphs A and A.1, B and B.1, and/or C and C.1.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion under New York Educ. Law §6530(5) (McKinney Supp. 1994), in that Petitioner charges that Respondent committed two or more of the following:

2. The facts of paragraphs A and A.1, B and B.1, and/or C and C.1.

THIRD SPECIFICATION

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with failing to maintain accurate records of the evaluation and treatment of Patients A and B, within the meaning of New York Educ. Law §6530(32) (McKinney Supp. 1994), in that Petitioner charges that Respondent committed one of the following:

3. The facts of paragraphs B and B.1 and/or C and C.1.

DATED: *May 17*, 1994
Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION AND LIMITATION OF PRACTICE

1. KENNETH R. HUGHES, M.D., during the 2 year period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York.
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation.
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation.
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
6. Respondent shall, during the two year term of probation, on a quarterly basis provide copies of Respondent's records of treatment of 5 (five) patients to the Director of OPMC for review by the Director's designee. These records may be selected by the Respondent, or, at the Director's

discretion, they may be randomly selected by the Director's designee. These records shall be sent to the address of the Director shown above. Respondent shall provide these records for review beginning three months after the date of the signing of the Consent Order herein.

7. Henceforth, both during and after the term of probation, Respondent's medical practice shall be limited to providing primary care to patients in an out-patient setting; Respondent shall not apply for nor exercise admitting privileges for in-patient care, nor work in emergency rooms.
8. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.