



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

April 24, 1995

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OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Bruno Monti, M.D.  
YMCA  
224 West 47th Street  
New York, New York 10017

Sylvia Finkelstein, Esq.  
Associate Counsel  
NYS Department of Health  
5 Penn Plaza-Suite 601  
New York, New York 10001

**RE: In the Matter of Bruno Monti, M.D.**

Effective Date: 05/01/95

Dear Dr. Monti and Ms. Finkelstein:

Enclosed please find the Determination and Order (No. 95-93) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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 all action 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., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large, stylized initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

**IN THE MATTER : DETERMINATION  
OF : AND  
BRUNO MONTI, M.D. : ORDER**

**BPMC-95-93**

**OLIVE M. JACOB**, Chairperson, **PATRICK F. CARONE, M.D.**, and **JAY I. POMERANTZ, M.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Sections 230(1)(e) and 230(12) of the Public Health Law. **ELLEN B. SIMON, ESQ.**, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this determination.

**SUMMARY OF PROCEEDINGS**

Notice of Hearing Date:	February 13, 1995
Statement of Charges Dated:	February 13, 1995
Hearing Date:	March 28, 1995
Deliberation Date:	March 28, 1995

Place of Hearing:

NYS Department of Health  
5 Penn Plaza  
New York, New York

Petitioner Appeared By:

Harriet Katz, Esq.  
Acting General Counsel  
NYS Department of Health  
By: Sylvia Finkelstein, Esq.  
Assistant Counsel

### **STATEMENT OF CHARGES**

The Statement of Charges essentially charges the Respondent with professional misconduct by reason of having failed to comply with an order for a psychiatric examination, having practiced while impaired by mental disability, and having a psychiatric condition which impairs the ability to practice medicine.

The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part of this Determination and Order.

### **FINDINGS OF FACT**

Numbers in parenthesis refer to transcript pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. On March 2, 1994, a Committee of the State Board for Professional Medical Conduct met at 5 Penn Plaza, 6th Floor, New York, New York, to consider whether to direct Respondent to submit to a medical or psychiatric examination. At the conclusion of that hearing, the Committee determined that there was reason to believe that Respondent may be impaired by

mental disability and directed Respondent to submit to a psychiatric examination pursuant to New York Public Health Law Section 230(7) (McKinney Supp. 1995) (Department's Exhibits (hereinafter Exs.) 8 and 9).

2. In a letter dated July 5, 1994, C. Maynard Guest, M.D., Executive Secretary of the State Board for Professional Medical Conduct, notified Respondent of the Committee's determination that Respondent submit to a psychiatric examination. That letter identified the designated examining psychiatrist as Jacques Quen, M.D., telephone number (212) 838-0601, and stated that Respondent was to be examined by Dr. Quen no later than July 26, 1994. The letter also advised Respondent that his failure to comply with the Committee's order that he be examined would constitute professional medical misconduct (Ex. 8).
3. On February 23, 1995, Respondent received notice of both the March 28, 1995 hearing and the charges against him (Ex. 1).
4. Respondent failed to appear at the March 28, 1995 hearing, either in person or by counsel (see Transcript).
5. From approximately December, 1991 until approximately June, 1992, Respondent was employed as a physician by the U.S. Federal Bureau of Prisons-Metropolitan Correctional Facility, 150 Park Row, New York, New York (Exs. 4 and 5). During this period, Respondent practiced medicine while impaired by a psychotic disorder of paranoid nature, characterized by delusions (testimony of Christina Casals-Ariet, M.D.).

6. Respondent has a psychiatric condition, characterized as a psychotic disorder of a paranoid nature with delusional traits (Ex. 3, especially Respondent's January 3, 1992 letter to the Bronx District Attorney; testimony of Dr. Casals-Ariet). That condition has existed since on or before January 3, 1992 and impairs his ability to practice medicine (Ex. 3; testimony of Dr. Casals-Ariet).
7. Despite Respondent's assertions to the Bronx District Attorney and others of his being persecuted by a local police officer named Luria and that officer's family (Exs. 3 and 4), no one named Luria is known at 2870 Buhre Avenue, Bronx, New York; in fact, there is no building with that address (Ex. 6); and Respondent was advised that the Department of Health could not locate anyone by the name of Luria who was working as a New York City police officer (Ex. 7, near middle of page 2) (see also testimony of Lawrence M. Matlin, Senior Medical Conduct Investigator).
8. Respondent apparently suffers delusions of persecution, sees conspiracy against him at many levels and has done so over a period of time, suffers delusions of surveillance, possibly has auditory hallucinations, has exhibited verbal violent outbreaks, has made overt threats in writing, and has exhibited possible diminished functions requiring the intervention of his sister (Exs. 3, 4, 5 and 7; testimony of Dr. Casals-Ariet).

### CONCLUSIONS

1. As no evidence, credible or otherwise, was presented to the contrary, the Hearing Committee concludes that Respondent failed to comply with the order of the State Board Committee to submit to a psychiatric examination.

2. Respondent knew of the scheduling of the March 28, 1995 hearing and was aware of the charges against him.
3. By his failure to appear at the March 28th hearing, Respondent apparently elected not to exercise his due-process right to answer those charges.
4. Respondent practiced medicine while impaired by mental disability.
5. There is no credible evidence that Respondent is unimpaired and able to practice medicine; in fact, there is credible evidence of his impairment.

#### **VOTE OF THE HEARING COMMITTEE**

The Hearing Committee hereby determines that the First, Second and Third Specifications are **sustained**.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee was very much concerned that Respondent receive due process in this proceeding, especially since it is not clear from the record whether in fact he appeared at the March 2, 1994 hearing after which it was determined that there was reason to believe that he may be impaired by mental disability. Nonetheless, the Hearing Committee recognizes that Respondent clearly had notice of the March 28th hearing and of the charges against him, yet failed to appear to answer them.



In consideration of the foregoing, after weighing all other possible penalties, and being mindful of its obligation to protect the citizens of the State of New York, the Hearing Committee unanimously determines that Respondent's license to practice medicine in the State of New York should be **revoked**.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. Respondent's license to practice medicine in the State of New York is hereby **REVOKED**.

**Dated: Albany, New York**

**April 15 , 1995**

  
**OLIVE M. JACOB, Chairperson**

**PATRICK F. CARONE, M.D.  
JAY I. POMERANTZ, M.D.**

**APPENDIX I**

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

IN THE MATTER  
OF  
BRUNO MONTI, M.D.

STATEMENT  
OF  
CHARGES

BRUNO MONTI, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 1, 1967, by the issuance of license number 098294 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On March 2, 1994, an Investigative Committee of the State Board for Professional Medical Conduct met at 5 Penn Plaza, 6th Floor, New York, New York to consider whether to direct Respondent to submit to a medical or psychiatric examination. At the conclusion of the hearing, the Committee determined that there was reason to believe that Respondent may be impaired by mental disability and directed Respondent to submit to a psychiatric examination pursuant to New York Public Health Law § 230(7) (McKinney Supp. 1995). In a letter dated July 5, 1994, C. Maynard Guest, M.D., Executive Secretary of the State Board for Professional Medical Conduct, notified Dr. Monti of the Committee's determination. The letter identified the designated examining psychiatrist as Jacques Quen, M.D., telephone: (212) 838-0601. The letter directed Dr. Monti to contact Dr. Quen and that the examination was to occur no later than July 26, 1994.

1. Dr. Monti has failed to comply with the Committee's order to submit to a psychiatric examination.
  
- B. From in or about December 1991 until in or about June 1992, Respondent was employed as a physician by the U.S. Federal Bureau of Prisons - Metropolitan Correctional Facility, 150 Park Row, New York, New York. During this period, Respondent practiced medicine while impaired by a psychotic disorder of paranoid nature, characterized by delusions.
  
- C. Respondent has a psychiatric condition, characterized as a psychotic disorder of a paranoid nature with delusional traits. Respondent's condition has existed since on or before January 3, 1993, and impairs his ability to practice medicine.

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **FAILURE TO COMPLY WITH AN ORDER FOR A PSYCHIATRIC EXAMINATION**

Respondent is charged with failing to comply with an order issued pursuant to subdivision seven of section two hundred thirty of the public health law under N.Y. Educ. Law § 6530(15) (McKinney Supp. 1995), in that Petitioner charges:

1. The facts in paragraphs A and A.1.

**SECOND SPECIFICATION****PRACTICING WHILE IMPAIRED  
BY MENTAL DISABILITY**

Respondent is charged with practicing the profession while impaired by mental disability under N.Y. Educ. Law § 6530(7) (McKinney Supp. 1995), in that Petitioner charges:

2. The facts in paragraphs B.

**THIRD SPECIFICATION****HAVING A PSYCHIATRIC CONDITION WHICH  
IMPAIRS THE ABILITY TO PRACTICE MEDICINE**

Respondent is charged with having a psychiatric condition which impairs the ability to practice medicine under N.Y. Educ. Law § 6530(8) (McKinney Supp. 1995), in that Petitioner charges:

3. The facts in paragraph C.

DATED: February 13, 1995  
New York, New York

  
CHRIS STERN HYMAN, Counsel  
Bureau of Professional  
Medical Conduct