



Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

August 4, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dimitri Polydefkis, M.D.
57 Montague Street
Brooklyn, New York 11201

RE: License No. 099706

Effective Date: 08/11/95

Dear Dr. Polydefkis:

Enclosed please find Order #BPMC 95-165 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

cc: Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
DIMITRI G. POLYDEFKIS, M.D.

CONSENT
ORDER

BPMC #95-165

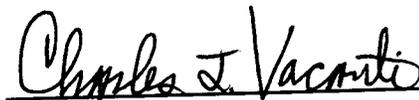
Upon the application of DIMITRI G. POLYDEFKIS, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 3 August 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
DIMITRI G. POLYDEFKIS, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DIMITRI G. POLYDEFKIS, M.D., being duly sworn, deposes and says:

In or about June 5, 1968, I was licensed to practice as a physician in the State of New York, having been issued License No. 099706 by the New York State Education Department.

My current address is 57 Montague Street, Brooklyn, New York 11201, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with five (5) 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 and Third Specifications, in full satisfaction of the charges against me. I hereby agree to one (1) year stayed suspension with three (3) years probation, with the terms and period of probation being tolled in the event Respondent leaves New York State.

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.


DIMITRI G. POLYDEFKIS, M.D.
RESPONDENT

Sworn to before me this

7th day of July, 1995.



NOTARY PUBLIC

ASHVIN R. PATEL
Notary Public, State of New York
No. 01PA4799045
Qualified in Queens County
Certificate Filed in Kings County
Commission Expires September 30, 1996

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

IN THE MATTER
OF
DIMITRI G. POLYDEFKIS, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE: 7/7/95 *Dimitri G. Polydefkis, M.D.*
DIMITRI G. POLYDEFKIS, M.D.
Respondent

DATE: August 1, 1995 *Daniel Guenzburger*
DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: August 1, 1995 *Kathleen M. Tanner*
KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 3 August 1995 *Charles J. Vacanti*
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

"EXHIBIT A"

IN THE MATTER
OF
DIMITRI G. POLYDEFKIS, M.D.

STATEMENT
OF
CHARGES

DIMITRI G. POLYDEFKIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 5, 1968, by the issuance of license number 099706 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about and between March 15, 1993 and June 22, 1993 the Respondent treated Patient A, a 35 year old female, for Major Depressive Disorder at the Cumberland Diagnostic and Treatment Center, Brooklyn, New York. ("Cumberland"). Patient A complained of depressed mood, crying spells, insomnia, poor appetite, and low frustration level. She reported a past history of bizarre behavior such as appearing naked in public and singing loudly to herself. Respondent treated Patient A with Sinequan and psychotherapy. On or about June 14, 1993, the Respondent switched Patient A's medication to Prozac, 20 mg. per day. (The identity of Patient A and the other patients in the Statement of Charges are identified in the attached Appendix). During the period of treatment regarding Patient A, Respondent:
1. Inappropriately diagnosed Patient A's condition by failing to adequately consider a diagnosis of Bipolar Affective Disorder
 2. Failed to adequately consider prescribing a mood stabilizing agent

such as lithium or valproate.

3. In response to complaints of dizziness, nausea, and vomiting made on or about June 14, 1993, Respondent:

a. Failed to immediately discontinue treatment with Prozac.

b. Spoke to Patient A in a verbally abusive manner.

4. Failed to obtain the assistance of a qualified interpreter when rendering psychotherapy to a patient who had difficulty communicating in English.

B. On or about July 5, 1991, Patient B, a 22 year old male, was referred from the Cumberland HIV Clinic to the Cumberland Mental Health Department for an emergency psychiatric evaluation. Patient B had reported feeling suicidal following the murder of the man he had been living with. The Respondent was the only psychiatrist on duty at the Mental Health Department at the time of the referral :

1. Respondent deviated from medically accepted standards in that he failed to evaluate Patient B.

C. On or about and between February 20, 1990 and June 1995, the Respondent treated Patient C, a 49 year old male, at the Cumberland Diagnostic and Treatment Center. Patient A's symptomology included depressed mood, auditory hallucinations, fear of leaving home and involuntary physical movements. Respondent diagnosed Chronic Paranoid Schizophrenia. He treated Patient C with

psychotherapy and pharmacotherapy. During the period of treatment regarding Patient C, Respondent:

1. Failed to diagnose Tardive Dyskinesia.
2. Failed to adequately assess the risk/benefit ratio of continuing neuroleptic therapy in a patient with Tardive Dyskinesia.
3. Failed to maintain a record which adequately reflected the evaluation and treatment of Patient C, including but not limited to failing to note prescriptions of psychotropic medication.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1995), in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A1, A2, A3, A3(a), A3(b), A4; B and B1; and C and C1, C2, and/or C3.

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with incompetence on more than one occasion within the meaning of N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1995), in that Petitioner charges that Respondent committed two or more of the following:

2. The facts in Paragraphs A and A1, A2, A3, A3(a), A3(b), A4; B and B1; and C and C1, C2, and/or C3.

THIRD SPECIFICATION

FAILING TO MAINTAIN AN ADEQUATE RECORD

Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1995), by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

3. The facts in Paragraphs C and C3.

FOURTH SPECIFICATION

VERBAL ABUSE

Respondent is charged with professional misconduct pursuant to N. Y. Educ. Law

§6530(31)(McKinney Supp. 1995), by willfully abusing a patient verbally, in that Petitioner charges:

4. The facts in Paragraphs A, A3, and A3(a).

FIFTH SPECIFICATION

PATIENT NEGLECT OR ABANDONMENT

Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law §6530(30) (McKinney Supp. 1995), by abandoning or neglecting a patient under and in need of immediate professional care, in that Petitioner charges:

5. The facts in Paragraphs B and B1.

Dated : April 24, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. DIMITRI G. POLYDEFKIS, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the professional standards of conduct imposed by law and by his/her 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, and 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, within 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. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. Respondent's practice of medicine shall be monitored by a physician monitor, either a psychiatrist or a licensed physician in an appropriate specialty ("practice monitor") approved in advance, in writing, by the Director of the Office of Professional Medical Conduct. Within 14 days of the effective date of this order, Respondent shall provide, in writing to the Probation unit, names and a curriculum vitae of the proposed

monitor. Respondent may not practice medicine unless an approved practice monitor and monitoring program is in place within the time period approved by this order.

- a. The practice monitor shall report in writing to the Director of the Office of Professional Medical Conduct or her designee, on a schedule to be determined by the Office. The practice monitor shall visit Respondent's medical practice at each and every location, on a random basis and shall examine a random selection of records maintained by Respondent, including patient histories, prescribing information and billing records. Respondent will make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care as defined in Education Law 6530. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor on issues pertaining to his or her monitoring of Respondent's medical practice shall immediately be reported to the Office of Professional Medical Conduct by the monitor. Respondent shall be notified of any negative report by his monitor, and shall be afforded an opportunity to provide the Department of Health with his explanation of the criticisms of his practice in the monitor's report.
- b. Any change in practice monitor must be approved in writing, in advance, by the Office of Professional Medical Conduct.
- c. All expenses associated with monitoring, including fees to the monitoring physician, if any, shall be the sole responsibility of the Respondent.
- d. It is the responsibility of the Respondent to make reasonable efforts to ensure that the reports of the practice monitor are submitted in a timely manner. A failure of the Respondent to make reasonable efforts to ensure that the practice monitor submit required reports on a timely basis will be considered a possible violation of the terms of probation.
- e. In the event Respondent practices medicine in a private setting, Respondent must maintain medical malpractice insurance coverage with limits no less than \$2 million dollars per occurrence and \$6 million dollars per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director or her designee prior to the placement of a practice monitor.

8. 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.