



STATE OF NEW YORK DEPARTMENT OF HEALTH

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

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

January 22, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Angelito L. Sebollena, M.D.
8502 Seventh Avenue
Brooklyn, New York 11228

Paul Greenfield, Esq.
Joseph R. Benfante, Esq.
225 Broadway - Suite 2700
New York, New York 10007

Silvia P. Finkelstein, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

RE: In the Matter of Angelito L. Sebollena, M.D.

Dear Dr. Sebollena, Mr. Greenfield, Mr. Benfante and Ms. Finkelstein:

Enclosed please find the Determination and Order (No. ARB-92-92) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

Tyrone T. Butler, nam

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

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IN THE MATTER : ADMINISTRATIVE
OF : REVIEW BOARD
ANGELITO L. SEBOLLENA, M.D. : DETERMINATION
: AND ORDER
: ORDER NO. ARB-92-92

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A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.¹ held deliberations on January 20, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") October 27, 1992 Determination and Order finding Dr. Angelito L. Sebollena guilty of professional misconduct and revoking his license to practice medicine in New York State. Dr. Sebollena requested the review through a Notice of Review which the Board received on November 13, 1992. JAMES F. HORAN, ESQ. served as Administrative Officer to the Review Board. Neither party to the hearing submitted a brief to the Review Board.

¹ At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct charged Dr. Sebollena with engaging in conduct which evidences a moral unfitness to practice medicine, willfully harming a patient, gross negligence, negligence on more than one occasion and failure to maintain adequate records. The charges involved the Respondent's conduct toward two patients who are referred to in the Hearing Committee's Determination and Order as Patients A and B. On June 16, 1992, the Commissioner of Health summarily suspended the Respondent's medical license upon a finding that the Respondent's continued practice of medicine constituted an imminent danger to the public health.

The Hearing Committee found that the Respondent, under the guise of providing medical treatment to Patients A and B, injected the patients with the drug Versed which left the patients conscious but unable to speak or move. Following the injections, the Hearing Committee found that the Respondent sexually abused each patient. Based upon this conduct, the Hearing Committee concluded that the Respondent was guilty of all charges. The Committee determined that the Respondent placed his patients at the risk of grave harm by the inappropriate use of Versed and that the Respondent then sexually abused the patients, Patient B on four occasions. The Respondent failed to testify or offer any evidence on his own behalf. The Committee found that the acts proved were serious charges and that no evidence indicated that the Respondent could be rehabilitated.

The Hearing Committee voted to revoke Dr. Sebollena's license to practice medicine and fined him Ten Thousand Dollars (\$10,000) per violation sustained, for a total fine of Ninety Thousand Dollars (\$90,000).

REQUESTS FOR REVIEW

Although the Respondent requested that the Board review the Hearing Committee's Determination and Order in this case, the Respondent has failed to file a brief setting out his specific objections or exceptions to the Hearing Committee's Determination and Order. In the absence of a brief by Respondent, the Board reviewed the case under the standards established by Public Health Law.

REVIEW BOARD DETERMINATION

The Review Board sustains the Hearing Committee's Determination and Order finding the Respondent guilty of engaging in conduct which evidences moral unfitness in practicing medicine, physically abusing a patient, gross negligence, negligence on more than one occasion and failure to maintain adequate records.

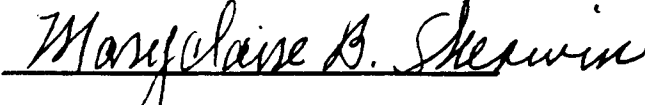
The Review Board votes unanimously to sustain the Hearing Committee's Determination and Order to revoke Dr. Sebollena's license to practice medicine in New York State. The Review Board has stated previously that a physician who sexually abuses a patient is morally unfit to practice medicine in the State of New York. The proper penalty in this case is revocation. The Board feels further, that the Ninety Thousand Dollar (\$90,000.00) fine is appropriate in view of the serious nature of the charges which were proved against the Respondent.

IN THE MATTER OF ANGELITO L. SEBOLLENA, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Angelito L. Sebollena, M.D.

DATED: Albany, New York

January __, 1993


MARYCLAIRE B. SHERWIN

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The October 27, 1992 Determination and Order by the Hearing Committee on Professional Medical Conduct finding Angelito L. Sebollena, M.D. guilty of gross negligence, negligence on more than one occasion, engaging in conduct which evidences a moral unfitness to practice medicine, willfully harassing, abusing or intimidating a patient either physically or verbally, and failure to maintain adequate records is **SUSTAINED**.
2. The Hearing Committee's Determination and Order revoking Dr. Sebollena's license to practice medicine in New York State is hereby **SUSTAINED**.

ROBERT M. BRIBER

MARYCLAIRE B. SHERWIN

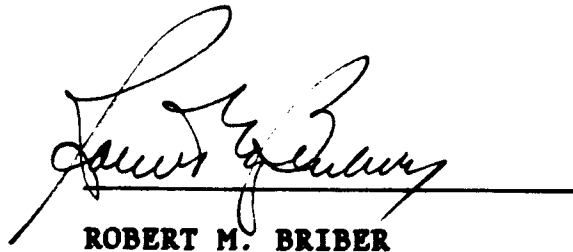
EDWARD C. SINNOTT, M.D.

WILLIAM A. STEWART, M.D.

IN THE MATTER OF ANGELITO L. SEBOLLENA, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Angelito L. Sebollena, M.D.

DATED: Albany, New York
January 20, 1993



ROBERT M. BRIBER

IN THE MATTER OF ANGELITO L. SEBOLLENA, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Angelito L. Sebollena, M.D.

DATED: Albany, New York
January 20, 1993

A handwritten signature in cursive script, appearing to read "Ed C. Sinnott", written over a horizontal line.


EDWARD C. SINNOTT, M.D.

IN THE MATTER OF ANGELITO L. SEBOLLENA, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Angelito L. Sebollena, M.D.

DATED: Albany, New York

January 20, 1993



WILLIAM A. STEWART, M.D.