



STATE OF NEW YORK DEPARTMENT OF HEALTH



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

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

Karen Schimke
Executive Deputy Commissioner

August 14, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECEIVED
AUG 14 1995
OFFICE OF PROFESSIONAL MEDICAL CONDUCT

Kevin P. Donovan, Esq.
NYS Department of Health
Corning Tower-Room 2438
Empire State Plaza
Albany, New York 12237

Laszlo Belenyessy, M.D.
4002 North 40th Street
Phoenix, Arizona 85018

RE: In the Matter of Laszlo Belenyessy, M.D.

Effective Date: 08/21/95

Dear Mr. Donovan and Dr. Belenyessy:

Enclosed please find the Determination and Order (No. 95-152) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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,


Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

IN THE MATTER
-OF-
LASZLO I. BELENYESSY, M.D.

Respondent

AMENDED
DECISION
AND ORDER
OF THE
HEARING
COMMITTEE

BPMC ORDER NO. 95-152

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated June 13, 1995 which were served upon **LASZLO BELENYESSY, M.D.**, (hereinafter referred to as "Respondent"). **TERESA S. BRIGGS, M.D., Ph.D.** Chairperson, **DAVID T. LYON, M.D., M.P.H.** and **D. MARISA FINN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on July 12, 1995 at the Cultural Education Center, Empire State Plaza, Albany, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "The State, or Petitioner") appeared by **JEROME J. JASINSKI, Esq.**, Acting General Counsel, **KEVIN P. DONOVAN, ESQ.**, Associate Counsel, Bureau of Professional Medical Conduct, of counsel. Respondent made no appearance whatsoever. Evidence was received. Legal arguments were heard. A transcript of these proceedings was made.

After consideration of the entire record, the Hearing Committee issues this Decision and Order.

NEW YORK STATE DEPARTMENT OF HEALTH 1995

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9)(d) (disciplinary action taken by the authorized disciplinary agency of another state, where the conduct resulting in the discipline would amount to misconduct in this state). The charge herein arises from a license surrender by Respondent upon charges of gross negligence and negligence on more than one occasion, before the Medical Board of California. The allegations in this proceeding and the underlying decision by the ~~Florida~~ ^{California} authorities are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

FINDINGS OF FACT

The Committee adopts the factual statement set forth on pages one and two of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

CONCLUSIONS

Respondent in this action chose not to appear. The facts in this case present acts of gross negligence and negligence on more than one occasion. Although there was no actual adjudication, such is not required under the provision upon which this case is based. The Committee finds that Respondent's choice to surrender his license "for personal reasons" in light of charges of a pattern of substandard and unrecognized medical practice is extremely serious and raises the specter of significant danger to the public should Respondent be allowed to practice in this state. Given the above findings and the failure of Respondent to make any meaningful effort to participate in this proceeding, revocation is the only appropriate sanction.

NEW YORK STATE DEPARTMENT OF HEALTH

ORDER

WHEREFORE, Based upon the forgoing facts and conclusions,

IT IS HEREBY ORDERED THAT:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**.
Furthermore, it is hereby **ORDERED** that;

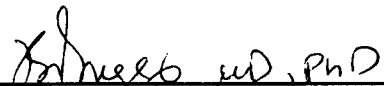
2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**.
Furthermore, it is hereby **ORDERED** that;

3. Respondent's license to practice medicine in this state is **REVOKED**.
Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **UPON RECEIPT** or **SEVEN (7) DAYS** after mailing of this order by Certified Mail.

Dated:
Albany, New York

August 10 1995



TERESA S. BRIGGS, M.D., Ph. D., Chairperson

DAVID T. LYON, M.D., M.P.H.
D. MARISA FINN

TO: KEVIN P. DONOVAN, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct
New York State Department of Health
Coming Tower Building
Empire State Plaza
Albany, N.Y. 12237

LASZLO BELENYESSY, M.D.
4002 North 40th Street
Phoenix, Arizona 85018

APPENDIX ONE

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
LASZLO I. BELENYESSY, M.D. : PROCEEDING

-----X

TO: Laszlo I. Belenyessy, M.D.
4002 North 40th Street
Phoenix, Arizona 85018

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1995) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1995). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 12th day of July, 1995 at 10:00 in the forenoon of that day at Room E, Cultural Education Center, Concourse Level, New York State Museum, Empire State Plaza, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the

Petitioner's
Exhibit

1
7/11/95 MET

licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before July 3, 1995.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before July 3, 1995, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated

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above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
June 13, 1995

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

Inquiries should be addressed to:

Kevin P. Donovan
Associate Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building, Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
LASZLO I. BELENYESSY, M.D. : CHARGES

-----X

LASZLO I. BELENYESSY, M.D., the Respondent, was authorized to practice medicine in New York State on March 24, 1978, by the issuance of license number 133807 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. By Stipulated Settlement and Disciplinary Order effective August 30, 1993, Respondent surrendered his license to practice medicine to the Medical Board of California; Respondent surrendered his license while Accusation No. D-3873 of the Medical Board of California was pending against him, which charged him with gross negligence and negligence on more than one occasion with one patient, and gross negligence with another.

B. The conduct on which Respondent's discipline in California was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely practicing the profession with gross negligence within the meaning of New York Education Law §6530(4) (McKinney Supp. 1995), and practicing the profession with negligence on more than one occasion within the meaning of New York Education Law §6530(3) (McKinney Supp. 1995).

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SPECIFICATION OF MISCONDUCT

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1995) in that he had disciplinary action taken against him license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Respondent charges:

1. The facts of paragraphs A and B.

DATED: *June 13*, 1995
Albany, New York


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