



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

August 4, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Brendan C. Brady, M.D.
335 Parrish Street
Canandaigua, New York 14424

RE: License No. 134486
Effective Date: 8/11/93

Dear Dr. Brady:

Enclosed please find Order #BPMC 93-121 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

-----X
: IN THE MATTER :
: OF : ORDER
: BRENDAN C. BRADY, M.D. : BPMC #93-121
: :
-----X

Upon the application of BRENDAN C. BRADY, 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 his order via certified mail, or seven
days after mailing of this order by certified mail, whichever
is earliest.

SO ORDERED,

DATED: 27 July 1993

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

I admit guilt to the Third Specification as set forth in paragraphs A, A.1, and A.2 in full satisfaction of the charges against me.

I hereby agree to the following penalty: a one year suspension of my license to practice medicine in New York State, which suspension shall be stayed in its entirety conditioned on my full compliance with the Terms of Probation set forth in Exhibit "B" attached hereto, during a probationary period of two years. In addition, my license to practice medicine in New York State shall be limited so that, other than vasectomies, I may perform urologic surgery only when I am assisting a board certified urologist or a board certified urologist is assisting me during surgery.

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.

Brendan C. Brady M.D.

BRENDAN C. BRADY, M.D.
RESPONDENT

Sworn to before me this
19 day of July, 1993.

David E. Brown

NOTARY PUBLIC

DAVID E. BROWN
Notary Public in the State of
Qualified in Onon. Co. No. 24611
My Commission Expires *Oct 31 1993*



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

-----X
IN THE MATTER : APPLICATION
OF : FOR
BRENDAN C. BRADY, 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: 7 19 93

Brendan C Brady M.D.
BRENDAN C. BRADY, M.D.
RESPONDENT

Date: July 19, 1993

Deborah A. Caruso
DEBORAH A. CARUSO, ESQ.
ATTORNEY FOR RESPONDENT

Date: July 21, 1993

Kevin P. Donovan
KEVIN P. DONOVAN
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date:

~~July~~
Aug. 3, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

27 July 1993

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
BRENDAN C. BRADY, M.D. : CHARGES

-----X

BRENDAN C. BRADY, M.D., the Respondent, was authorized to practice medicine in New York State on May 26, 1978, by the issuance of license number 134486 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993, through December 31, 1994, with a registered address of 335 Parrish Street, Canandaigua, New York 14424.

FACTUAL ALLEGATIONS

A. Respondent performed surgery on December 27, 1991, and December 29, 1991, on Patient A (the patient is identified in Appendix A) a 57 year old female, at F.F. Thompson Hospital, Canandaigua, New York.

1. Respondent failed to obtain an appropriate pre-operative consultation with a urologist before the elective surgery involving the patient's left kidney on December 27, 1991.

Exhibit A



2. On December 27, 1991, Respondent performed elective surgery involving the patient's left kidney without a urologist being involved during the surgery.
3. On December 27, 1991, Respondent inappropriately lacerated the patient's celiac and mesenteric arteries, leading to the patient's death.
4. Upon reoperation on the patient on December 29, 1991, Respondent failed to recognize that the celiac artery and mesenteric artery had been transected.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence on a particular occasion within the meaning of N.Y. Educ. Law §6530(4) (McKinney Supp. 1993) in that Petitioner charges:

1. The facts of Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4.

SECOND SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence within the meaning of N.Y. Educ. Law §6530(6) (McKinney Supp. 1993) in that Petitioner charges:

2. The facts of Paragraphs A and A.1., A and A.2., A and A.3, and/or A and A.4.

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3)(McKinney's Supp. 1993) in that Petitioner charges two or more of the following:

- 3. The facts of Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4

FOURTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profess on with incompetence on more than one occasion within the meaning of N.Y. Educ. Law §6530(5)(McKinney Supp. 1993) in that Petitioner charges two or more of the following:

- 4. The facts of paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4.



DATED: Albany, New York
June 8, 1993

Peter D. Van Buren

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

EXHIBIT "B"

TERMS OF PROBATION

1. BRENDAN C. BRADY, M.D., during the 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. That 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 Health Department, 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 make patient records available for review at the request of the Office of Professional Medical Conduct.

6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
7. 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.