



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

March 29, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
433 River Street – 4th Floor
Troy, New York 12180

Richard A. Jaffe, Esq.
5 Greenway Plaza
Suite 1710
Houston, Texas 77046

Joel M. Chaise, M.D.
21 May Court
Monroe, Connecticut 06068

RE: In the Matter of Joel M. Chaise

Dear Parties:

Enclosed please find the Determination and Order (No. 01-78) 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.

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.

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.

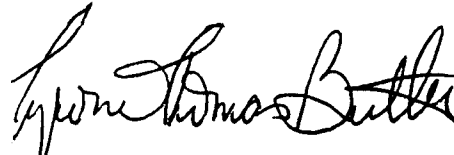
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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 initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC 01-78

IN THE MATTER
OF
JOEL M. CHAISE, M.D.

A Commissioner's Order, dated March 2, 2001 and a Notice of Hearing and Statement of Charges both dated March 2, 2001 were served upon the Respondent, **JOEL M. CHAISE M.D.** **DAVID T. LYON, M.D.**, Chairperson, **MARGERY SMITH, M.D.** and **MR. JOHN RAYMOND** 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. **MICHAEL P. McDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on March 21, 2001 at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **RICHARD A. JAFFE, ESQ.**, 5 Greenway Plaza, Suite 1710, Houston Texas 77046.

Evidence was received and transcripts of these proceedings were made.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Commissioner's Order and Notice of Hearing and the Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Joel M. Chaise, M.D., the Respondent

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page number or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at 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 stated.

1. **JOEL M. CHAISE, M.D.**, the Respondent, was authorized to practice medicine in New York State on October 30, 1981, by the issuance of license number 148106 by the New York State Education Department.

2. On February 20, 2001, the State of Connecticut, Department of Public Health, Bureau of Regulatory Services, (hereinafter "Connecticut Board"), by a Consent Order, (hereinafter "Connecticut Order"), placed Respondent's license to practice medicine on two (2) years probation with terms and conditions which, among other things, required Respondent to participate, at his own expense, in regularly scheduled therapy with a licensed psychiatrist; to submit monthly reports for the duration of probation; and to only practice medicine in an office or practice setting that includes other physicians. The action by the Connecticut Board was based on the Respondent having suffered an acute psychiatric episode. (Pet's. Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the Connecticut Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability or mental disability).
- New York Education Law §6530(8) (having a psychiatric condition which impairs the licensee's ability to practice).

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) having had disciplinary action taken after a disciplinary action was instituted 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.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case indicates that on February 20, 2001 the Connecticut Board placed the Respondent on two (2) years probation based on his having suffered a severe psychiatric episode.

The Respondent is currently under treatment by his psychiatrist, Owen Schneider, M.D., who has submitted a letter stating that he is fully recovered and able to continue practicing medicine (Resp's Ex. A).

The Hearing Committee has reviewed the Connecticut Board's February 20, 2001 ORDER and finds that the terms and conditions of probation imposed by that Order are appropriate, given the circumstances of this case (See Pet's Ex. 5).

Based on the foregoing, the Hearing Committee determines that the interests of justice in this case can best be served by placing the Respondent on probation under the terms and conditions hereinafter set forth in this ORDER.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is placed on **PROBATION** under the following terms and conditions:
 - The Respondent shall comply fully with the "Connecticut Board's" Order of February 5, 2001.

- The Respondent shall provide a written authorization for the “Connecticut Board” to provide the Director of the New York State Office of Professional Conduct, (OPMC), with any/all information or documentation as requested by OPMC to enable OPMC to determine whether the Respondent is in compliance with the “Connecticut Board’s” Order.
 - The Respondent shall submit, quarterly, a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the Connecticut ORDER during the declaration period specified.
 - The Respondent shall be solely responsible for all expenses incurred under this ORDER.
2. If, at some future date, the Respondent chooses to return to practice in New York he must:
- Provide thirty days prior notice concerning his return to the Office of Professional Medical Conduct,
 - Include with the notice proof that his license remains in good standing in all states where he maintains a license:
 - He must continue to comply fully with the terms and conditions as specified in the Connecticut Order for a period of three (3) years from the date of his return to practice in New York; and

- Provide information concerning this disciplinary action to any New York hospital at which he applies for privileges and/or employment.
3. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.
 4. This Order shall be effective upon service on the Respondent or Respondent's attorney by personal service or by certified or registered mail.

DATED: Watertown, New York

MARCH 26, 2001



**DAVID T. LYON, M.D.
CHAIRPERSON**

**MARGERY SMITH M.D.
MR. JOHN RAYMOND**

APPENDIX I

EXHIBIT
1
2/21/80

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

IN THE MATTER

COMMISSIONER'S
SUMMARY
ORDER

OF

JOEL M. CHAISE, M.D.

TO: JOEL M. CHAISE, M.D.
21 May Court
Monroe, Connecticut 06068

Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (State of Connecticut, Department of Public Health, Bureau of Regulatory Services) has made a finding substantially equivalent to a finding that the continued practice of medicine by Joel M. Chaise, M.D., (Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in documents of the State of Connecticut, that are attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, Joel M. Chaise, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine.

Any practice of medicine in the State of New York or in
in any jurisdiction where that practice is dependent on a
valid New York license to practice medicine in violation
of this Commissioner's Summary Order shall constitute
Professional Misconduct within the meaning of N.Y. Educ.
Law §6530 and may constitute unauthorized medical
practice, a Felony defined by N.Y. Educ. Law §6512.


This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the State of Connecticut. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing, together with a Statement of Charges to be provided to the Respondent after the final conclusion of the Connecticut proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of
Professional Medical Conduct, New York State
Department of Health, 433 River Street, Suite 303,
Troy, NY 12180-2299, via Certified Mail, Return
Receipt Requested, of the final conclusion of the
Connecticut proceeding immediately upon such
conclusion.**

THESE PROCEEDINGS MAY RESULT IN
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED, AND/OR THAT
YOU MAY BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-A. YOU ARE
URGED TO OBTAIN AN ATTORNEY FOR THIS
MATTER.

DATED: Albany, New York

12-28, 2000



DENNIS P. WHALEN
EXECUTIVE DEPUTY COMMISSIONER

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
JOEL M. CHAISE, M.D.

NOTICE
OF
SUMMARY
REFERRAL
HEARING

TO: JOEL M. CHAISE, M.D.
12 May Court
Monroe, CT 06068

PLEASE TAKE NOTICE THAT:

Pursuant to a Commissioner's Summary Order dated December 28, 2000, an adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 21st day of March, 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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 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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, 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 March 12, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 12, 2001, 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 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 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 the State 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

March 2, 2001.



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
JOEL M. CHAISE, M.D.
CO-00-10-4570-A

STATEMENT
OF
CHARGES

JOEL M. CHAISE, M.D., the Respondent, was authorized to practice medicine in New York state on October 30, 1981, by the issuance of license number 148106 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 20, 2001, the State of Connecticut, Department of Public Health, Bureau of Regulatory Services, (hereinafter "Connecticut Board"), by a Consent Order, (hereinafter "Connecticut Order"), placed Respondent's license to practice medicine on two (2) years probation with terms and conditions which, among others, required Respondent to participate in regularly scheduled therapy at his own expense with a licensed psychiatrist, to submit reports monthly for the duration of probation, and to only practice medicine in an office or practice setting that includes other physicians, based on his having suffered an acute psychiatric episode.

B. The conduct resulting in the Connecticut Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability or mental disability).

2. New York Education Law §6530(8)(having a psychiatric condition which impairs the licensee's ability to practice).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) having had disciplinary action taken after a disciplinary action was instituted 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 New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *March 2*, 2001
Albany, New York


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