



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

PUBLIC

March 28, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Mary Chaglassian, M.D.
4 Deepdene Road
Forest Hills, New York 11375

Mary Chaglassian, M.D.
James Rudel Center
86-15 Queens Road
Elmhurst, New York 11373

RE: In the Matter of Mary Chaglassian, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-82) 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.

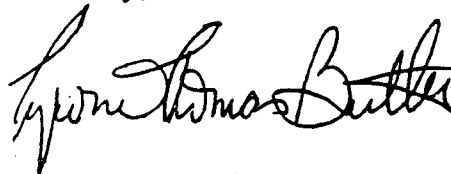
The notice of review served on the Administrative Review Board should be forwarded to:

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, appearing to read "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

IN THE MATTER
OF
MARY CHAGLIASSIAN, M.D.

DETERMINATION
AND
ORDER

BPMC #03-82

COPY

A Notice of Referral Proceeding and Statement of Charges, both dated February 4, 2003, were served upon the Respondent, **MARY CHAGLIASSIAN, M.D.** **MARY PATRICIA MEAGHER, R.N.**, Chairperson, **NISHA K. SETHI, M.D.** and **DIANA E. GARNEAU, M.D.**, 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. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on March 19, 2003, 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 **PAUL ROBERT MAHER, ESQ.** and **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared pro se.

Evidence was received and transcripts of these proceedings were made.

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

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 solely with a violation of Education Law Section 6530(9). In such cases, 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 Sections 6530(9)(a)(i), based upon her conviction of a crime under New York State Law. A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Mary Chaglassian, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to 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.

1. **MARY CHAGLIASSIAN, M.D.**, the Respondent, was authorized to practice medicine in New York State on November 10, 1989, by the issuance of license number 180668 by the New York State Education Department (Ex. 4). Respondent practices internal medicine in a 12-physician group practice (Respondent's testimony).
2. On November 18, 2002, Respondent was convicted, pursuant to a guilty plea, of Attempted Petit Larceny (Penal Law sections 110 and 155.25) in the First District Court of Nassau County, and sentenced to payment of a \$500 fine (Ex. 5).

HEARING COMMITTEE CONCLUSIONS AND VOTE

The hearing Committee concludes that Respondent's conviction of the crime of Attempted Petit Larceny would constitute professional misconduct in New York State pursuant to New York Education Law §6530(a)(i), but that the charges in this case should be dismissed in the interest of justice.

VOTE: 3-0 (unanimous).

HEARING COMMITTEE DETERMINATION

The record in this case indicates that Respondent was convicted of attempted petit larceny. According to Respondent's credible testimony, the conviction occurred when she was caught, after succumbing to a sudden impulse, attempting to shoplift an item from a store. Respondent testified credibly that this was the only time she has ever committed a criminal act, that the act was completely out of character, that she suffers from great remorse, and that she has since had to live with her fear that her conviction will become known to her children, patients and colleagues. She also testified that she is in counseling now in an attempt to understand her behavior and deal with the consequences of her act.

The Hearing Committee is of the collective belief that this was an isolated act resulting from Respondent's giving in to a sudden unfortunate impulse, and that, given the disastrous consequences of that act and her own feelings of guilt, Respondent is unlikely to repeat this sort of behavior. The Hearing Committee feels that Respondent has received more than sufficient punishment for her criminal act, and that imposing any additional penalty in this decision would serve no useful purpose, especially since the act was completely unrelated to the practice of medicine. If anything, imposing any penalty that becomes public knowledge might tend to detract from Respondent's ability to serve the public by providing high quality medical care. The statute setting forth the penalties that may be imposed for misconduct (Public Health Law §230-a) specifies that penalties "may" be imposed, and the Hearing Committee declines to impose any penalty.

The Hearing Committee wishes to note that in no respect does it condone this sort of conduct, and Respondent is put on notice that any recurrence of criminal conduct will result in more severe sanctions.

ORDER

IT IS HEREBY ORDERED THAT:

1. The charges in this case are dismissed in the interest of justice.

The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Rochester, New York
March 26, 2003

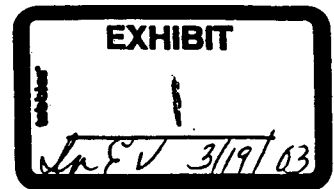


MARY PATRICIA MEAGHER, R.N.
Chairperson

NISHA K. SETHI, M.D.
DIANE E. GARNEAU, M.D.

APPENDIX 1

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



IN THE MATTER
OF
MARY CHAGLIASSIAN, M.D.
CO-02-09-4898-A

NOTICE OF
REFERRAL
PROCEEDING

TO: MARY CHAGLIASSIAN, M.D.
4 Deepdene Road
Forest Hills, NY 11375

MARY CHAGLIASSIAN, M.D.
James Rudel Center
86-15 Queens Blvd.
Elmhurst, NY 11373

PLEASE TAKE NOTICE THAT:

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 19th day of March 2003, 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 attached Statement of Charges. 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 that 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, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 20, 2003.

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 of 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 20, 2003, 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 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

February 4, 2003



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
MARY CHAGLIASSIAN, M.D.
CO-02-09-4898-A

STATEMENT
OF
CHARGES

MARY CHAGLIASSIAN, M.D., the Respondent, was authorized to practice medicine in New York state on November 10, 1989, by the issuance of license number 180668 by the New York State Education Department.

FACTUAL ALLEGATIONS


A. On or about November 18, 2002, in the First District Court of Nassau County, New York, Respondent was found guilty, based on a plea of guilty, of Attempted Pettit Larceny, in violation of New York Penal Law, Sections 110 and 155.25, a class B misdemeanor, and was sentenced to a \$500.00 fine.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: Feb. 4, 2003
Albany, New York


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