

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

May 11, 1990

Emma Domoszlai, Physician
11806 Liberia Road
East Aurora, N.Y. 14052

Re: License No. 119690

Dear Dr. Domoszlai:

Enclosed please find Commissioner's Order No. 10477. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Dean M. Drew, Esq.
159 Linwood Avenue
Buffalo, N.Y. 14209

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

EMMA DOMOSZLAI

CALENDAR NO. 10477



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

EMMA DOMOSZLAI

No. 10477

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

EMMA DOMOSZLAI, hereinafter referred to as respondent, was given due notice of this proceeding and informed that she could appear and be represented by an attorney.

On February 28, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by her attorney, Dean M. Drew, Esq. Kevin C. Roe, Esq., represented the New York State Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for two (2) years; stayed; 2 years probation with appropriate monitoring for alcohol abuse.

EMMA DOMOSZLAI (10477)

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was a censure and reprimand with monitoring of present treatment course for anxiety problems.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent be censured and reprimanded upon the charge of which respondent has been found guilty and that she be placed on probation for two (2) years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

EMMA DOMOSZLAI (10477)

Respectfully submitted,

J. EDWARD MEYER

MELINDA AIKINS BASS

GEORGE POSTEL


Chairperson

Dated: March 30, 1990

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

-----X

IN THE MATTER : STATEMENT
OF : OF
EMMA DOMOSZLAI, M.D. : CHARGES

-----X

The State Board for Professional Medical Conduct upon, information and belief, charges and alleges as follows:

1. EMMA DOMOSZLAI, M.D., the Respondent, was authorized to practice medicine in New York State on April 3, 1974 by the issuance of license number 119690 by the New York State Education Department.

2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 from 11806 Liberia Road, East Aurora, New York 14052.


3. The Respondent herein is charged with professional misconduct within the purview of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1989) as set forth in the attached Specification.

FIRST SPECIFICATION

4. The Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6509(5)(a)(1) (McKinney 1985) by reason of having been convicted of a crime under New York State law, in that:

On or about October 29, 1986 Respondent was convicted after a non-jury trial in the Village of East Aurora Justice Court of Driving While Intoxicated in violation of §§1192.2 and 1192.3 of the New York State Vehicle and Traffic Law, a Class A misdemeanor. Respondent was fined \$350.00 and her New York State operator's license was revoked for six months.

DATED: Albany, New York
December 6, 1989



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

ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK

EMMA DOMOSZLAI

CALENDAR NO. 10477



The University of the State of New York

IN THE MATTER

OF

EMMA DOMOSZLAI
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10477

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10477, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (April 27, 1990): That the record herein be accepted, that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of EMMA DOMOSZLAI, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent be Censured and Reprimanded upon the charge of which respondent has been found guilty; that respondent be placed on probation for two years under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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

EMMA DOMOSZLAI (10477)

the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 4th day of May 1990.

Thomas Sobol
Commissioner of Education

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

EMMA DOMOSZLAI

CALENDAR NO. 10477

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That 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; and
 - d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of

EMMA DOMOSZLAI (10477)

Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, 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 of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. That respondent shall submit herself for monitoring in regard to the use of alcohol by a facility to be chosen by respondent and approved by the New York State Department of Health, after obtaining prior written approval by the New York State Department of Health, said facility to conduct an examination of respondent, once every three (3) months during the period of probation, at such times as said facility may choose, at respondent's expense, said examination to include urine samples for the detection of any alcohol in respondent. Respondent shall submit or cause to be submitted a written report from and signed by an authorized person from said facility, once every three (3) months during the period of probation, in which said authorized person shall state whether the presence of any alcohol has been detected by virtue of the said examination. In the event any alcohol is detected, the respondent shall submit a sworn affidavit explaining the use of said alcohol, as well as any other papers respondent wished to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that respondent is not alcohol-free and/or not fit to practice her profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;
3. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.