



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

September 1, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Judith Duga, M.D.
1500 North University Drive
Coral Springs, Florida 33071-6071

RE: License No. 103845

Effective Date: 09/08/95

Dear Dr. Duga:

Enclosed please find Order #BPMC 95-201 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

cc: Dominic L. Brandy, Esq.
Stephens, Lynn, Klein & McNicholas
800 Southeast Third Avenue, 4th Floor
Fort Lauderdale, Florida 33316

Silvia Finkelstein, Esq.

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

IN THE MATTER
OF
JUDITH D. DUGA, M.D.

CONSENT
ORDER
BPMC #95-201

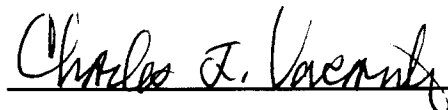
Upon the application of JUDITH D. DUGA, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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 this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 29 August 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JUDITH D. DUGA, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF FLORIDA)
COUNTY OF BROWARD) ss.:

JUDITH D. DUGA, M.D., being duly sworn, deposes and says:

That on or about July 1, 1969, I was licensed to practice as a physician in the State of New York, having been issued License No. 103845 by the New York State Education Department.

My current address is 1500 North University Drive, Coral Springs, Florida 33071-6071, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

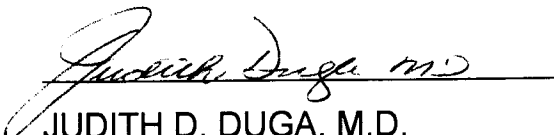
I neither admit nor deny the facts alleged in the Specification of Charges in full satisfaction of the charges against me. I hereby agree to the penalty that I receive a censure and reprimand, and that I be placed on probation for a period of one year subject to the terms enumerated in Exhibit "B", annexed hereto and made a part hereof, and that such probation be tolled until and unless I commence the active practice of medicine in New York State.

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.

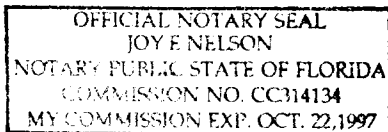
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


JUDITH D. DUGA, M.D.
RESPONDENT

Sworn to before me this

19 day of July, 1995

NOTARY PUBLIC



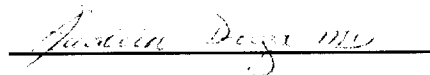
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JUDITH D. DUGA, M.D.

APPLICATION
FOR
CONSENT ORDER

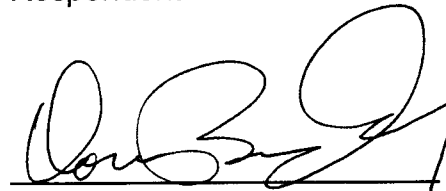
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 7-11-95



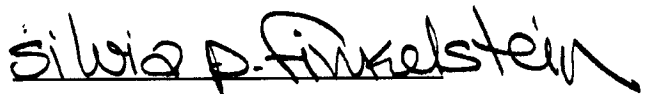
JUDITH D. DUGA, M.D.
Respondent

DATE: 7/31/95



DOMINIC L. BRANDY, ESQ.
Attorney for Respondent

DATE: 8/7/95



SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Aug. 29, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 29 August 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
JUDITH D. DUGA, M.D.

STATEMENT
OF
CHARGES

JUDITH D. DUGA, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1969, by the issuance of license number 103845 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about October 2, 1993, the Florida Board of Medicine (Florida Board) issued an Order, based upon a Consent Agreement entered into by Respondent and the Florida Department of Professional Regulation, to resolve an administrative complaint against Respondent alleging violations of §458.331(1)(m) and §458.331(1)(t), Florida Statutes, reprimanding Respondent, imposing a fine in the sum of Three Thousand (\$3,000.00) Dollars, and placing Respondent on probation for a period of one year, and requiring, *inter alia*, that Respondent practice under the indirect supervision of a monitoring physician and that she attend thirty (30) hours of Category I Continuing Medical Education in endocrinology and/or risk management. If committed in New York, this conduct would constitute professional misconduct under N. Y. Educ. Law §§ 6530(4) (practicing the profession with gross negligence) and/or 6530(3) (practicing the profession with negligence on more than one occasion) and/or 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

(McKinney Supp. 1995).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN BY ANOTHER STATE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995) by having her license to practice medicine revoked, suspended or having other disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where conduct resulting in the disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York state, as alleged in the facts of:

1. Paragraph A

DATED: July , 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. JUDITH D. DUGA, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and 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 notification to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid prior to commencing or resuming the active practice of medicine in New York State, that she intends to practice medicine in New York State;
4. Respondent shall not commence or resume the active practice of medicine in New York State until after she has obtained approval by the Director of the Office of Professional Medical Conduct as to the terms of the monitoring and supervision of her practice. The monitoring and supervision required as part of the Terms of Probation shall remain in effect and shall not be interrupted or interfered with in any way.
5. Respondent shall comply with all requirements imposed on her by the Order of the Florida Board, referred to in the Statement of Charges (Exhibit "A"), and shall submit written proof that the Respondent is in compliance therewith to the Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within two months of such time as Respondent commences or resumes the active practice of medicine in New York State;
6. 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, within the first three months of the period of probation;
7. 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;

8. Respondent shall cooperate with the monitoring of Respondent's practice in New York by a monitor approved by the Director of the Office of Professional Medical Conduct. During the term of probation, Respondent's office and hospital practice shall be supervised and monitored by a licensed physician in a position to regularly observe and assess Respondent's medical practice ("practice supervisor"). The practice supervisor(s), and any successor practice supervisor(s) shall be selected by Respondent, subject to approval of the Director of the Office of Professional Medical Conduct, and shall not be a personal friend, nor a relative, of Respondent. The practice supervisor shall review Respondent's professional performance and practice, shall evaluate whether Respondent's care and treatment comport with generally accepted standards of medical practice, and shall meet with Respondent once every quarter, or, more often if the practice supervisor in his/her sole discretion deems it necessary, to discuss her practice. Supervision by the practice supervisor may include: unannounced review of Respondent's patient records; unannounced actual observation of her treatment of patients; unannounced review of her ordering, administering and inventorying of all controlled substances; interviews of Respondent and any other reasonable means of monitoring Respondent's practice. The practice supervisor shall be familiar with the Terms of Probation contained herein, and shall acknowledge his/her willingness to comply with the supervision and monitoring by executing an acknowledgement provided by OPMC. The practice supervisor shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying her compliance or detailing her failure to comply with the Terms of Probation. The practice supervisor shall report immediately to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation;
9. Respondent shall meet with an OPMC Medical Coordinator on quarterly basis for review of Respondent's patient records and discussion of Respondent's medical practice to determine whether Respondent's care and treatment comport with generally accepted standards of practice. Respondent will maintain legible and complete medical records which accurately reflect her evaluation and treatment of patients. Any deviation from accepted medical practice identified during the probation period may result in an independent medical review and could lead to additional investigation or charges;
10. Respondent shall assume and bear all costs related to compliance with the Terms of Probation;
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which she is subject pursuant to the order of the Board;
12. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
13. 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.

14. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, **prior** to any change in that status.