



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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April 7, 2000

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**OFFICE OF PROFESSIONAL
MEDICAL CONDUCT**

John M. Dowbak, Physician
4409A Catlin Circle
Carpinteria, California 93013

PUBLIC

Re: Application for Restoration

Dear Dr. Dowbak:

Enclosed please find the Commissioner's Order regarding Case No. 00-43-60 which is in reference to Calendar No.17302. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: *Gustave Martine*
Gustave Martine
Supervisor

cc: Gail A. Rerisi, Esq.
5 Bethpage Road
Hicksville, New York 11801

The University of the State of New York
Education  Department

IN THE MATTER

of the

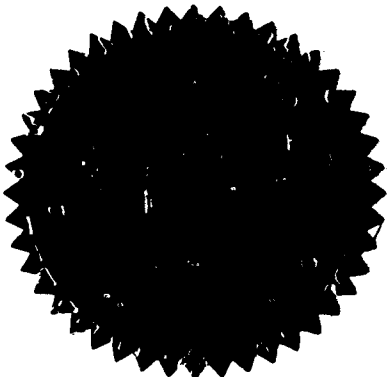
Application of JOHN M. DOWBAK
for restoration of his license to
practice as a physician in the State of
New York.

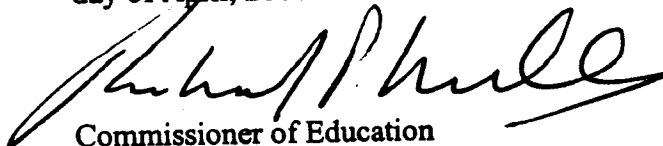
Case No. 00-43-60

It appearing that the license of JOHN M. DOWBAK, 4409 A Catlin Circle, Carpinteria, California 93013, authorizing him to practice as a physician in the State of New York, was revoked by the Administrative Review Board for Professional Medical Conduct, effective January 19, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 7, 2000, it is hereby

ORDERED that the petition for restoration of License No. 154033, authorizing JOHN M. DOWBAK to practice as a physician in the State of New York, is denied, but that the execution of the order of revocation of said license shall be stayed upon verification from the Medical Board of California that he has completed at least three years of satisfactory medical practice within the State of California, and said JOHN M. DOWBAK shall then be placed on probation for a period of five years under specified terms and conditions.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this *3rd*
day of April, 2000.




Commissioner of Education

Case No. 00-43-60

It appearing that the license of JOHN M. DOWBAK, 4409 A Catlin Circle, Carpinteria, California 93013, authorizing him to practice as a physician in the State of New York, having been revoked by the Administrative Review Board for Professional Medical Conduct effective January 19, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 7, 2000, it was

VOTED that the petition for restoration of License No. 154033, authorizing JOHN M. DOWBAK to practice as a physician in the State of New York, be denied, but that the order of revocation of said license shall be stayed upon verification from the Medical Board of California that he has completed at least three years of satisfactory medical practice within the State of California, and said JOHN M. DOWBAK shall then be placed on probation for a period of five years under specified terms and conditions.

Case Number 00-43-60
January 5, 2000

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: **John M. Dowbak**

Attorney: Gail A. Rerisi

John M. Dowbak, 4409 A Catlin Circle, Carpinteria, California, 93013, petitioned for restoration of his physician license. The chronology of events is as follows:

- 05/06/83 Issued license number 154033 to practice medicine in New York State.
- 03/19/93 Charged with professional misconduct by Department of Health.
- 09/17/93 Effective date of Hearing Committee of State Board for Professional Medical Conduct's determination of revocation.
- 01/19/94 Effective date of Administrative Review Board for Professional Medical Conduct's determination to sustain revocation.
- 09/03/96 Submitted application for restoration of physician license.
- 01/06/98 Peer Committee restoration review.
- 09/26/99 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 01/05/00 Report and recommendation of the Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) After a jury trial, Dr. Dowbak was found guilty on May 7, 1992 of the crime of second degree arson in the Circuit Court of Oktibbeha County, Mississippi. He had been charged with willfully and maliciously aiding, counseling and causing to be burned the building where his office was located. He was sentenced to four years' incarceration and fined \$5,000. On August 20, 1992, the Mississippi State Board of Medical Licensure found Dr. Dowbak guilty of having been convicted of a felony involving moral turpitude and revoked his license.

On March 19, 1993, the New York State Department of Health charged Dr. Dowbak with two specifications of professional misconduct. The first specification was based on his conviction of an act constituting a crime under the law of another jurisdiction and which, if committed within this State, would have constituted a crime under New York State Law. The second specification was based upon his 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 this State, constitute professional misconduct under the laws of New York State.

A Hearing Committee of the State Board for Professional Medical Conduct sustained the charges of professional misconduct and determined that Dr. Dowbak's license should be revoked. Based on an appeal by Dr. Dowbak, an Administrative Review Board for Professional Medical Conduct sustained the determination of the Hearing Committee that Dr. Dowbak was guilty of professional misconduct and also the Committee's determination to revoke his license. Dr. Dowbak's license was revoked effective January 19, 1994.

On September 3, 1996, Dr. Dowbak submitted an application for restoration of his license.

Recommendation of Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Gitman, Coumos, Lopez) convened on January 6, 1998. In its report dated September 26, 1999, the Committee voted 2 -1 to deny the application for restoration. The dissenting member voted to restore the license if Dr. Dowbak went through a residency program prior to resuming practice.

Recommendation of the Committee on the Professions. On January 5, 2000, the Committee on the Professions (Duncan-Poitier, Porter, Munoz) met with Dr. Dowbak to consider his application for restoration. Gail A. Rerisi, his attorney, accompanied him. Dr. Dowbak presented the Committee with the following:

- Verification of 7 hours of CME credit for his attendance at a program on Medical Ethics for Physicians.
- Verification of additional 200+ CME credits completed since June 1998.
- Verification of his teaching "Introductory Anatomy and Physiology" during the Spring 2000, Fall 1999, and Summer 1999 sessions at Ventura College.
- Letter, dated January 3, 2000, from Nancy Gutfreund, MA, MFCC, indicating that Dr. Dowbak was receiving ongoing psychological counseling from her and making progress toward rehabilitation.
- Letter, dated November 23, 2000, from the Medical Board of California stating that Dr. Dowbak was licensed as a physician and surgeon in California through September 30, 2000.

- Letter, dated July 28, 1999, from the Physician Assessment and Clinical Education Program at the University of California, San Diego, School of Medicine regarding Dr. Dowbak's assessment and enrollment in the program, including a description of the program.
- Copy of Proposed Decision of the Administrative Law Judge adopted by the Medical Board of California as its Decision in the Matter of the Petition for Reinstatement of Revoked Certificate of John Dowbak, effective April 22, 1999.

The Committee asked Dr. Dowbak to describe what happened that led to the loss of his license. He replied that he had a very successful orthopedic practice in Mississippi before his conviction of arson. He explained that he had two patients, husband and wife, who were very difficult to deal with. He said that he had been treating the wife for a .45 Magnum gunshot wound inflicted upon her by her husband. Dr. Dowbak said that it was a difficult wound that required many surgeries and he had been treating the wife for three years. He said that the patients lived over a hundred miles away in a town where he had previously practiced. He reported that the patients showed up at his office at all hours of the day and night without making appointments and usually asked for excessive amounts of narcotics. Dr. Dowbak told the Committee, "Unfortunately, I did see them. I failed to get rid of them as patients." He indicated that eventually he went to a police officer, a friend, for help and thought the matter was taken care of. He reported, however, that the couple came back to see him about a month later.

Dr. Dowbak stated that there were two fires. He reported that the first was caused when his secretary left some splints next to a heater and the accidental fire caused damage in his main office. He said that he was uninsured for that fire and announced at the time, "If it ever happened again, I would be maximally insured." Dr. Dowbak indicated that the building that housed his laboratory had a lot of problems, including structural defects. He said that it became a joke with his surgical colleagues and staff in the operating room and in his office about getting rid of the building. Dr. Dowbak said that on May 12, a Sunday and Mother's Day, he had worked all day and returned to his office in the evening. He reported that later that evening, the husband and wife returned and Dr. Dowbak said that they told him they "would do me a favor the next day." He reported that they said that they would burn his other building the next day at 1:00 a.m. Dr. Dowbak told the Committee, "I said, No! No! No!" He indicated that they didn't want to leave his office, that it was late and he was tired, and that he eventually said, "Yes," but said that it was just to get rid of them. He indicated that the next day he had a very heavy operating schedule and asked his secretary to call the couple and make certain that they had no intentions to burn the building. Dr. Dowbak said that he worked until 10:00 p.m. that day and when he went to his office he realized that the laboratory was on fire. He stated that he was the one who called the fire department.

The Committee asked Dr. Dowbak for his thoughts on what happened, in retrospect. He replied, "I did say, yes, but I didn't think I was entering into an oral

agreement. I didn't know the law very well." He said that he tried to prevent the arson from happening in the best way he could think of at the time by asking his secretary to contact the couple. However, he stated that he now realizes that he should have gone to the police immediately.

Dr. Dowbak said that he found it very difficult to express himself during the Peer Committee meeting. He explained that when you meet with your peers and have done something to lose your license, there is a lot of shame involved. He indicated that "when you sit amongst your peers, you get nervous and clam up." He said that he is now learning to deal with a number of issues through the counseling he is receiving as part of the Physical Assessment and Clinical Education (PACE) Program through the University of California at San Diego School of Medicine. He indicated that his therapy has helped him come to grips with his past and is now better able to express himself. Dr. Dowbak said that he probably didn't explain everything completely to the satisfaction of the Peer Committee and that there were probably "still a lot of holes I couldn't fill."

When asked why he has not sought restoration of his license in Mississippi, Dr. Dowbak explained that with a conviction for second degree arson, he could not reapply for his license for seven years. He said that, additionally, because of the nature of the crime for which he was convicted, Mississippi law required a pardon before he could be considered for restoration. Dr. Dowbak said that since the Supreme Court sustained the arson conviction, he didn't know whether it would be worth the expense to try and obtain a pardon in order to get that license back.

Dr. Dowbak said that there were still many unexplained issues regarding the arson and that "it is more complex than what meets the eye." He said that he doesn't know how the couple got access into the building since the back door should have been nailed shut. He stated that his first trial was declared a mistrial after the jury failed to reach a unanimous vote and reported that the vote was 11-1 for acquittal. Dr. Dowbak said that, initially, the prosecutor was not going to retry him but then scheduled the second trial after saying that they had a confidential informant. He told the Committee that he found out that the informant was his wife. Dr. Dowbak said that the day before the second trial he discovered that his wife gave the police his defense strategy. He indicated that he felt his wife turned against him because she had discovered that he had had an affair with one of his secretaries. Dr. Dowbak reported that there were 10 tapes made of conversations between his wife and the police but that 9 of those "were mysteriously destroyed by the police." He indicated that the only one left was one in which his wife sounded very distraught. Dr. Dowbak reported that his lawyers thought the second trial would be very easy and that they advised him not to testify, especially, since he was emotionally distraught at the time after finding out what his wife had done. He stated that the secretary who he had asked to contact the couple to make sure they were not serious about setting the fire was the person with whom he had had the affair. Dr. Dowbak reported that during the first trial, that secretary "took the fifth." He said that she disappeared before the second trial and he has no idea why she did not corroborate his story or why she disappeared.

In response to the Committee's inquiry, Dr. Dowbak said that he really didn't know why the couple started the fire. Dr. Dowbak reported that they testified it was

because he gave them \$10,000, but he told the Committee that this was not true. He said that he thought the couple liked him for going out of his way to help them, and that he continues to be frustrated trying to ascertain their motive. He indicated that this was one of the reasons why he needed to continue counseling. He speculated that the couple may have been upset with him for not wanting to continue seeing them or it might have been related to their friendship with the mayor of the town from which he moved after he had attacked the character of the mayor in the press. Dr. Dowbak said that he had no financial problems and had nothing to gain, even though the building and its contents were insured for approximately \$200,000. He told the Committee that through his recent therapy he has come to understand that he never had the "coping skills to say 'no' to people who came to his practice for help." Dr. Dowbak explained that this was why he was working day and night and realizes that his workload precluded him, in some respect, from actually taking hold of the situation personally to make certain that the couple did not carry out their stated intent of setting fire to his laboratory. Additionally, he indicated that this lack of coping skills affected his ability to terminate his relationship with the couple.

Dr. Dowbak said that he has now remarried, that his current wife works as a nurse, and they now live in California. Dr. Dowbak summarized his continuing education activities, including his current teaching of anatomy and physiology at Ventura College, and his work activities, including working for his brother who is a licensed physician. He said that he has strong ties to New York State and would like to practice here. Dr. Dowbak stated that he would be willing to meet any conditions imposed by this State, even volunteering his services as a physician. He said, "I am remorseful." He reported that he has seen numerous psychologists and psychiatrists through the PACE Program who have told him that they believe his past actions would not recur. Dr. Dowbak said that the State of California has now given him a probationary license, but he cannot practice until he satisfies certain conditions, including completion of the PACE Program at the University of California at San Diego School of Medicine and undergoing psychiatric evaluations to determine his fitness to practice. He acquainted the Committee with the objectives and content of the PACE Program, and shared a copy of the terms and conditions for reinstatement of his license in California.

Dr. Dowbak said that he has been "caught in a legal stream for a number of years. I've been swimming, but can't get out." He indicated that he continues to question the poor judgment he exercised at the time. Dr. Dowbak told the Committee that he was only asking for a chance to practice in this State. He said, "Let me work in an inner city environment or in an unpaid residency. If they say I can't do it, I'll withdraw."

The Committee on the Professions (COP) notes that its meeting with Dr. Dowbak occurred two years after his meeting with the Peer Committee. For that two-year period, the COP believes that Dr. Dowbak has presented compelling evidence to document activities and behavioral changes, which address the concerns of the majority opinion of the Peer Committee that he was not remorseful and showed a lack of rehabilitation. The COP notes that the State of California granted him a temporary license in 1999; however, before he can practice in that State he must satisfy certain terms and conditions imposed by the Medical Board of California, attached to this report and labeled Exhibit "A." These include a requirement that Dr. Dowbak undergo a psychiatric

evaluation, receive psychiatric clearance, and participate in any counseling that may be mandated. He provided documentation of his continuing therapy and told the COP that he wants to continue counseling to better understand what happened in the past to prevent any recurrences in the future. Additionally, before he can practice in California, Dr. Dowbak must successfully complete the PACE Program and pass an oral-clinical examination in orthopedic surgery. Dr. Dowbak presented documentation to demonstrate he has taken the initial steps to fulfill those conditions. Although unanswered questions remain regarding the arson in Mississippi, the COP found that Dr. Dowbak was forthright and credible in his responses to its questions. The Medical Board of California determined that "The circumstances surrounding petitioner's (Dr. Dowbak) conviction suggest that it was a single event that was situational in nature. It was been approximately seven years since the commission of the offense and there is no indication that petitioner has conducted himself in other than a law-abiding manner." The COP concurs with that assessment and finds that Dr. Dowbak has taken appropriate steps to better understand what happened and to insure that similar misconduct would not recur and that the public would not be in danger were his license restored. The COP believes that Dr. Dowbak has made a compelling case for the restoration of his license and should be allowed to practice in this State under specified probationary terms once he has provided documentation that he has successfully completed the conditions mandated by the Medical Board of California to practice medicine under probationary restrictions in that State.

Therefore, after a complete review of the record, including its meeting with Dr. Dowbak, the Committee on the Professions voted unanimously to recommend that the revocation of Dr. Dowbak's license to practice as a physician in the State of New York be stayed and that he be placed on probation for five years under specified terms and conditions, attached to this report and labeled Exhibit "B." However, the Committee also voted that the stay of the revocation shall take effect upon receipt of verification from the Medical Board of California that it has restored Dr. Dowbak's license to practice medicine under probationary restrictions in California.

Johanna Duncan-Poitier, Chair

Joseph B. Porter

Frank Muñoz



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

JOHN M. DOWBAK

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 17302**

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

Applicant, John M. Dowbak, was authorized to practice as a
physician in the State of New York by the New York State Education
Department.

PRIOR DISCIPLINE

Applicant was issued a license on May 6, 1983, to practice
Medicine in the State of New York. While practicing in the State of
Mississippi, applicant was found guilty by jury verdict, on May 7,
1992, of the crime of second degree arson. The jury verdict was
based upon applicant's act of willfully and maliciously aiding,
counseling and causing to be burned a building or structure,
specifically, applicant's own office located in Starkville,
Mississippi. Applicant, on June 8, 1992, in the Circuit Court of
Oktibbeha County, Mississippi, was sentenced to serve a term of four
years and pay a fine of five thousand dollars (\$5,000.00).

The Mississippi State Board of Medical Licensure, in Findings of Fact, Conclusions of Law and Order, found respondent guilty of having been convicted of a felony involving moral turpitude.

The findings of the Mississippi Board were based upon respondent's conduct in having been found guilty of second degree arson on May 7, 1992, as set forth above.

The Mississippi Board, pursuant to its order dated August 20, 1992, revoked respondent's license to practice medicine in Mississippi.

Based on the above, New York State revoked applicant's license to practice medicine in the State of New York effective September 17, 1993.

THE APPLICATION

Applicant petitioned the New York State Education Department for the restoration of his license to practice as a physician in the State of New York.

After a brief history of applicant's education and practice the petition states that applicant's first trial in Mississippi ended with a hung jury with a vote of 11-1 for acquittal. However "due to the deliberate malicious and fallacious actions of his estranged wife" there was a second trial at which applicant was found guilty in May 1992. Applicant was incarcerated until June 1993. He was released on parole which terminated in February 1994. Applicant is currently teaching anatomy and physiology at Moorpark College in California.

As a result of the Mississippi revocation applicant also lost

his medical licenses in other states.

Applicant states that at no time has he ever been found guilty of unprofessional conduct with respect to the treatment of patients.

Since his revocation applicant has always sought gainful employment and pursued continuing medical education. He humbly requests that he be given a chance to return to the practice of medicine. He does this not just for himself but for the sake of his children.

THE MEETING

On January 6, 1998 this Peer Panel met to consider the application in this matter. Applicant appeared and was represented by Gail A. Rerisi, Esq. Dennis Spillane, Esq. represented the Division of Prosecutions of the Office of Professional Discipline. Applicant introduced an additional packet of material which was accepted. Ms. Rerisi began by making an opening statement.

Applicant then spoke to the committee and repeated much of what is in his petition. Under questioning by Mr. Spillane applicant conceded that, while he said to OPD investigators that he caused the arson for financial gain, he did not need the money (he was making \$800,000 to \$1,000,000 per year). Applicant also conceded that that was a puzzling situation. Mr. Spillane then asked if applicant perhaps had some mental disorder that brought about this puzzling situation and if applicant has sought psychological help in this regard. Applicant replied that he had one session with a psychiatrist and one session with a psychologist and they both thought applicant was perfectly normal.

Upon further questioning applicant stated that the two people who actually set the fire did so not because he told them he would pay them to do it but because of off hand comments he had made that these two people took to mean that he wanted the fire set. However, applicant stated that he takes full responsibility for the fire.

Upon questioning by the Panel applicant stated that he knew the people who set the fire, that they were husband and wife and that he had treated the wife over a long period of time. He also stated that these people continued to come to his office without appointments after he had finished his treatment and that he eventually spoke to the sheriff about it in an effort to get them to stop.

Upon further questioning by the Panel applicant conceded that there was a conflict between him telling the OPD investigator that the arson was for financial gain and him telling the Panel that he did not conspire to have the fire set but that it was set because these two people overheard an off hand comment he made in his office. In response to another Panel question applicant stated that he never ever took Percocet despite what was stated in his brother's letter (Packet item 4, pgs. 3 and 4).

Mr. Spillane closed by saying he opposed the restoration of applicant's license because applicant's statements are contradictory and make no sense and therefore suggest there is an underlying problem which has not been addressed.

Ms. Rerisi closed saying that the crime had nothing to do with patient care and that to continue to punish applicant would also

JOHN M. DOWBAK (17302)

punish his children who depend upon him. She said applicant has done CME and attended seminars and that he would accept any conditions put on him should he be restored to licensure. She stated that applicant is forty-six years old and can start over if given the chance now.

RECOMMENDATION


Two Panel members recommend that the application herein not be granted and that the revocation of applicant's license to practice medicine in the State of New York not be stayed.

While applicant's CME is good we are disturbed by his inability to offer a coherent story about what took place regarding the arson. He agrees that his statements are contradictory but can offer no reasonable explanation. This shows a lack of rehabilitation. Further, we believe any remorse applicant expressed was for what has happened to him and his family, not for the effect which serious crimes such as arson can have on society.

The Chairperson believes that applicant took responsibility for the arson because that is what applicant thinks the Panel wants to hear. However, the Chairperson would be comfortable if applicant was restored to licensure provided he went through a residency program prior to resuming practice.

Respectfully submitted,

Paul Gitman, M.D., Chairperson
Francine Cournos, M.D.
Rafael Lopez, M.D.


Chairperson

9/26/89
Dated

EXHIBIT "B"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS
FOR**John M. Dowbak**

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, 433 River Street, Suite 303, Troy, New York 12180, of any employment and/or practice, applicant's residence, telephone number, or mailing address, and any change in employment, practice, residence, telephone number or mailing address within or without the State of New York;
3. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant 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. That applicant shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant 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. That ~~applicant shall make~~ quarterly visits to an employee of the Office of Professional Medical Conduct of the New York State Department of Health, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
6. That applicant shall work only in a supervised setting, such as a facility licensed by New York State, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. Applicant shall not practice medicine

~~until the supervised setting proposed by applicant is approved in writing by the Director, Office of Professional Medical Conduct;~~

7. ~~That applicant shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director, Office of Professional Medical Conduct. The practice supervisor shall be proposed by applicant and subject to the written approval of the Director, Office of Professional Medical Conduct. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities;~~
8. That applicant shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to the Office of Professional Medical Conduct. Applicant shall ensure that the practice supervisor is in a position to regularly observe and assess applicant's medical practice. Applicant shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to the Office of Professional Medical Conduct;
9. Applicant shall authorize the practice supervisor to have access to his patient records and to submit quarterly written reports, to the Director, Office of Professional Medical Conduct, as aforesaid, unless otherwise agreed to by the Director, regarding applicant's practice. These narrative reports shall address all aspects of applicant's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report; and
10. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of 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.