



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

Paula Wilson  
Executive Deputy Commissioner

June 25, 1993

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Peter M. Glassman, M.D.  
531 Washington Street  
Watertown, New York 13601

John A. Cirando, Esq.  
D.J. & J. A. Cirando  
Onbank Building - Suite 1010  
101 South Salina Street  
Syracuse, New York 13202

Cindy M. Fascia, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2438  
Empire State Plaza  
Albany, New York 12237-0038

**RE: In the Matter of Peter M. Glassman, M.D.**

Dear Dr. Glassman, Mr. Cirando and Ms. Fascia:

Enclosed please find the Determination and Order (No. ARB-93-26) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

*Tyrone T. Butler nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

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IN THE MATTER	:	<u>ADMINISTRATIVE</u>
	:	<u>REVIEW BOARD</u>
OF	:	<u>DETERMINATION</u>
	:	<u>AND ORDER</u>
<u>PETER MICHAEL GLASSMAN, M.D.</u>	:	<u>ARB NO.93-26</u>

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The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, WINSTON S. PRICE, M.D. EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D. held deliberations on June 1, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") March 17, 1993 Determination and Order revoking Dr. Peter Michael Glassman's license to practice medicine. The Respondent requested the review through a Notice which the Review Board received on March 29, 1993. James F. Horan, Esq. served as Administrative Officer to the Review Board. Cindy M. Fascia, Esq. submitted a brief for the Office of Professional Medical Conduct (OPMC) on May 4, 1993 and a response on May 12, 1993. John A. Cirando, Esq. submitted a brief for Dr. Glassman on May 5, 1993.

### SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

### HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct charged the Respondent with:

- improper treatment of Patient A;
- making false statements in applications to various health care facilities; and
- having been guilty of misconduct in another state.

The Hearing Committee determined that the Respondent was guilty of:

- willfully abusing a patient;
- gross negligence;
- gross incompetence; and

-- failing to maintain adequate medical records.

These findings concerned the Respondent's treatment of Patient A on the evening of January 17, 1992. The Hearing Committee also found that the Respondent had been suspended from the practice of medicine in Massachusetts for two years for conduct which would constitute misconduct if committed in New York. The Hearing Committee found further that the Respondent had willfully filed false reports on six occasions by making false statements on his applications to several health care facilities. Finally, the Hearing Committee found the Respondent guilty of moral unfitness in the practice of the profession and of practicing the profession fraudulently arising from both his treatment of Patient A and his false statements on the applications to the health care facilities.

As to the treatment of Patient A, the Hearing Committee found that the Respondent had gone to Patient A's home on January 17, 1992, and had performed a pelvic examination on Patient A, for which he had Patient A remove her clothing below the waist. The Respondent then deeply sedated Patient A with three injections. The Respondent gave a statement to the New York State Police on January 28, 1992 in which he stated that he had gone to Patient A's home on January 17, 1992 to get to know Patient A better as man and woman. The Hearing Committee found that the Respondent's statement to the State Police had been voluntary.

The Hearing Committee found that the Respondent suffered from alcoholism and characterized the Respondent's judgement as questionable for the time period involved in these charges. The Hearing Committee found no reason to believe that the Respondent could initiate a sustained effort at rehabilitation. The Hearing Committee concluded that the Respondent's violations could not be tolerated and voted to revoke the Respondent's license to practice medicine in the State of New York.

#### REQUESTS FOR REVIEW

The Respondent's brief raises three points.

1. the statement of charges violated due process because the charges include an alleged statement by the Respondent,
2. the Respondent was denied a fair hearing because the Hearing Committee considered the Respondent's statement to the New York State Police,
3. the Hearing Committee's penalty should be modified because it shocks the conscience.

The Respondent also requested that the Review Board take Judicial Notice of information which the Respondent's attorney submitted to the Review Board concerning the drug Nubain.

The OPMC urges the Review Board to sustain the Hearing Committee's Determination and Order and asks that the Review Board not take Judicial Notice of the documentation concerning

Nubain.

**REVIEW BOARD DETERMINATION**

The Review Board has considered the entire record below and the briefs which counsel have submitted. We will not take official notice of the documentation which the Respondent submitted concerning Nubain because that information was not before the Hearing Committee.

As to the Respondent's first two points on review, concerning the wording of the charges and the admissability of the Respondent's statement to the New York State Police, we find that those issues are procedural matters that are beyond the scope of our review.

As to the matters which are within our scope of review, the Review Board votes unanimously to sustain the Hearing Committee's Determination and Order that the Respondent was guilty of:

- moral unfitness in the practice of medicine;
- willfully abusing a patient;
- willfully filing a false report;
- practicing the profession fraudulently;
- practicing with gross negligence;
- practicing with gross incompetence;
- failing to maintain adequate medical records and having been convicted of professional misconduct in Massachusetts.

The Hearing Committee's Determination and Order is consistent with

their findings and conclusions and is supported by the evidence from the hearing.

The Review Board votes unanimously to sustain the Hearing Committee's Determination and Order to revoke Dr. Glassman's license to practice in New York State. That penalty is consistent with the Hearing Committee's findings and conclusions that the Respondent was guilty of several serious counts of professional misconduct. The Review Board finds that the penalty is appropriate, because the nature and the extent of the Respondent's misconduct show that the Respondent poses a danger to the public and is not fit to practice medicine in New York State.

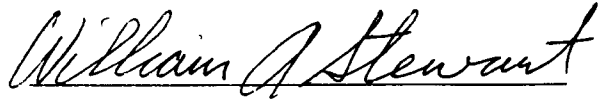


**IN THE MATTER OF PETER MICHAEL GLASSMAN, M.D.**

**WILLIAM A. STEWART, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Glassman.

**DATED: SYRACUSE, NEW YORK**

**JUNE 10, 1993**

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in black ink and is positioned above the printed name.

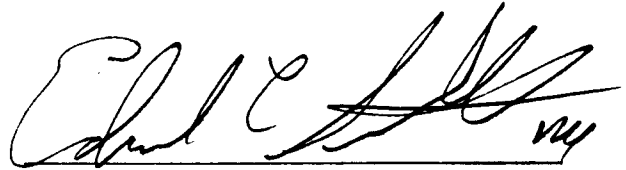
**WILLIAM A. STEWART, M.D.**

**IN THE MATTER OF PETER MICHAEL GLASSMAN, M.D.**

**EDWARD C. SINNOTT, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Glassman.

**DATED: ROSLYN, NEW YORK**

**JUNE 21, 1993**

A handwritten signature in black ink, appearing to read "Edward C. Sinnott", with a horizontal line underneath and a small mark to the right.

**EDWARD C. SINNOTT, M.D.**

IN THE MATTER OF PETER MICHAEL GLASSMAN, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Glassman.

DATED: MALONE, NEW YORK

JUNE 15, 1993

MaryClaire B. Sherwin

**IN THE MATTER OF PETER MICHAEL GLASSMAN, M.D.**

**WINSTON S. PRICE, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Glassman.

DATED: BROOKLYN, NEW YORK

JUNE 22, 1993

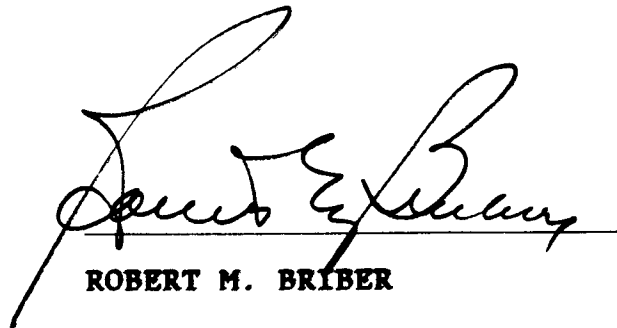
  
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**WINSTON S. PRICE**

IN THE MATTER OF PETER MICHAEL GLASSMAN, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Glassman.

DATED: ALBANY, NEW YORK

JUNE 15, 1993



ROBERT M. BRIBER

**ORDER**

**NOW**, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board sustains the Hearing Committee's March 17, 1993 Determination and Order finding the Respondent, Peter Michael Glassman, M.D., guilty of professional misconduct.
2. The Review Board sustains the Hearing Committee's Determination and Order to revoke Dr. Glassman's license to practice medicine in New York State.

**ROBERT M. BRIBER**

**WINSTON S. PRICE, M.D.**

**MARYCLAIRE B. SHERWIN**

**EDWARD C. SINNOTT, M.D.**

**WILLIAM A. STEWART, M.D.**