



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

April 29, 1994

OFFICE OF PUBLIC HEALTH
Lloyd F. Novick, M.D., M.P.H.
Director
Diana Jones Ritter
Executive Deputy Director

CERTIFIED MAIL - RETURN RECEIPT

Alfred A. Ianora, Jr., M.D.
25800 Vera Lane
Veneta, Oregon 97487

Michael A. Hiser, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Empire State Plaza
Corning Tower - Room 2438
Albany, New York 12237

Re: In the Matter of Alfred A. Ianora, Jr., M.D.

Dear Dr. Ianora and Mr. Hiser:

Enclosed please find the Determination and Order (No. BPMC-94-58) of the Hearing Committee 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:**

New York State Department of Health
Office of Professional Medical Conduct
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 then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he

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.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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.

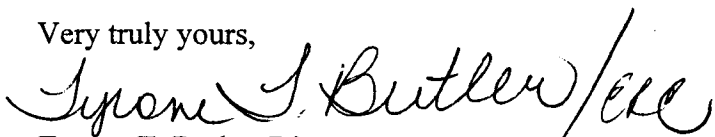
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Coming Tower - Room 2503
Empire State Plaza
Albany, New York 12237-0030

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.

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler/crc".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc

Enclosure

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

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IN THE MATTER	:	DETERMINATION
OF	:	AND
ALFRED A. IANORA, JR., M.D.	:	ORDER
		OF THE
		HEARING COMMITTEE
		ORDER NO.
		BPMC-94-58

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A Notice of Hearing and Statement of Charges dated January 14, 1994 were served upon **ALFRED A. IANORA, JR., M.D.**, (hereinafter referred to as "Respondent"). The undersigned Hearing Committee consisting of **Rev. JAMES H. MILLER, Chairperson, TERESA S. BRIGGS, M.D.** and **RAFAEL OLAZAGASTI, M.D.** duly designated and appointed by the State Board for Professional Medical Conduct. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as Administrative Officer.

A hearing was conducted on February 16, 1994 pursuant to §230 (10)(e) of the Public Health Law and §301-307 and §401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of Section 6530 of the New York Education Law by Respondent. The hearing was held at the Corning Tower, Empire State Plaza, Albany, New York.

The Department of Health appeared by **MICHAEL A. HISER, ESQ.**, of counsel to **PETER J. MILLOCK, ESQ.**, General Counsel. Respondent neither appeared in person nor by counsel. Evidence was received and a transcript of this proceeding was made.

STATEMENT OF CASE

The proceeding was brought pursuant to Public Health Law §230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of New York Education Law, §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 the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law §6530(9)(c) based upon the fact that he has been found guilty of professional misconduct by the duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under New York State Law. The charges are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges which is attached to this Determination and Order as Appendix I.

SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge found that the State had made service upon Respondent pursuant to statute and that therefore, jurisdiction of Respondent had been established.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. The findings are derived from evidence found persuasive by the Hearing Committee. Conflicting evidence, if any was considered and rejected.

1. Respondent was authorized to practice medicine in New York State on March 1, 1966, by the issuance of license number 0961050 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine. He was last registered for a period prior to 1980.

2. On or about August 4, 1993, the Board of Medical Examiners of the State of Oregon, (hereinafter, the "Oregon Board") served a Notice of Intent to Revoke License on Respondent. The basis for the Notice of Intent to Revoke Respondent's medical license in the State of Oregon was the following

- a. In approximately October 1, Respondent was investigated by the Oregon Board of Medical Examiners concerning complaints that he was taking nude photographs of his female patients. Respondent was warned and agreed not to engage in such conduct and to obtain counselling.
- b. In November, 1992, Respondent again engaged in photography and videotaping of nude female patients without any medical purpose.

3. Respondent's conduct as described above was alleged to be unprofessional or dishonorable conduct within the meaning of Oregon Revised Statutes 677.190(1), as defined in Oregon revised Statutes 677.188(4)(a).

4. Effective October 14, 1993, the Oregon Board of Medical Examiners issued its Amended Final Order regarding the allegations described in Paragraphs 2(a) and 2(b), above. The Oregon Board determined that the above noted photography and videotaping of female patients in the nude, without any medical purpose constituted unprofessional or dishonorable conduct under Oregon Statutes. Based on that finding of fact and conclusion of law, the Oregon Board revoked Respondent's License to practice medicine in the State of Oregon.

5. The conduct of Respondent on which the Oregon Board of Medical Examiner's finding was based, would, if committed in New York State, constitute professional misconduct under the laws of New York State, more specifically, New York Education Law §6530(2) (practicing the profession fraudulently), §6530(20) (conduct in the practice of medicine which

evidences moral unfitness); and §6530(31) (willfully abusing a patient).

CONCLUSIONS

The State has satisfied its burden of proof. Respondent has been found guilty of professional misconduct and disciplined for misconduct by the Oregon Board. The Committee is convinced that Respondent has committed conduct which would not be tolerated by a physician. Respondent's actions were abusive to his patients and an egregious violation of his position as a physician. Given the severity of the violations found, there can be no other appropriate sanction but revocation.

ORDER

Based upon the foregoing it is hereby **ORDERED** that,

1. The specifications of professional misconduct contained in the Statement of Charges in this matter be **SUSTAINED**; and
2. The license of Respondent to practice medicine in this state be **REVOKED**.

DATED: Albany, New York
April 27, 1994



REV. JAMES H. MILLER
Chairperson

TERESA S. BRIGGS, M.D.
RAFAEL OLAZAGASTI, M.D.

TO: Michael A. Hiser, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Empire State Plaza
Corning Tower - Room 2429
Albany, N.Y.

Alfred A. Ianora, Jr., M.D.
25800 Vera Lane
Veneta, Oregon 97487

APPENDIX I

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: ALFRED A. IANORA, JR., M.D. : PROCEEDING
: :
-----X

TO: ALFRED A. IANORA, JR., M.D.
25800 Vera Lane
Veneta, Oregon 97487

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 16th day of February, 1994 at 11:00 o'clock in the forenoon of that day at 25th Floor Conference Room, Corning Tower Building, Empire State Plaza, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

PETITIONER'S
EXHIBIT
1
2/16/94 HRS

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 which 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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: RENEE COOLEY, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before February 7, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before February 7, 1994 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 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
January 14, 1994


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

Inquiries should be addressed to:

Michael A. Hiser
Assistant Counsel
Bureau of Professional Medical Conduct
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ALFRED A. IANORA, JR., M.D. : CHARGES
-----X

ALFRED A. IANORA, JR., M.D., the Respondent, was authorized to practice medicine in New York State on March 1, 1966 by the issuance of license number 96150 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. He was last so registered prior to 1980.

FACTUAL ALLEGATIONS

A. On or about August 4, 1993, the Board of Medical Examiners of the State of Oregon (hereafter, "Oregon Board") served a Notice of Intent to Revoke License on Respondent. The basis for the Notice of Intent to Revoke Respondent's medical license in the State of Oregon was the following:

1. In approximately October 1985, Respondent was investigated by the Oregon Board of Medical Examiners concerning complaints that he was taking nude photographs of his female patients. Respondent was warned and agreed not to engage in any such conduct and to obtain counselling.

2. In November 1992, Respondent again engaged in photography and videotaping of nude female patients without any medical purpose.

B. Respondent's conduct as described above was alleged to be unprofessional or dishonorable conduct within the meaning of Oregon Revised Statutes 677.190(1), as defined in Oregon Revised Statutes 677.188(4)(a).

C. Effective October 14, 1993, the Oregon Board of Medical Examiners issued its Amended Final Order regarding the allegations described in Paragraphs A and B, above. The Oregon Board determined that the above-noted photography and videotaping of female patients in the nude without any medical purpose constituted unprofessional or dishonorable conduct within the meaning of Oregon Revised Statutes 677.190(1), as defined in Oregon Revised Statutes 677.188(4)(a). Based on that finding of fact and conclusion of law, the Oregon Board revoked Respondent's license to practice medicine in the State of Oregon.

D. The conduct of Respondent on which the Oregon Board of Medical Examiner finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, New York Education Law §§6530(2) (practicing the profession fraudulently or beyond its authorized scope); §6530(3) (practicing the profession with negligence on more than one occasion); §6530(4) (practicing the profession with gross negligence on a particular occasion);

§6530(6) (practicing the profession while impaired by mental disability); §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine); and §6530(31) (willfully harassing, abusing, or intimidating a patient either physically or verbally).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF IMPROPER
PROFESSIONAL PRACTICE OR PROFESSIONAL
MISCONDUCT BY DULY AUTHORIZED DISCIPLINARY
AGENCY OF ANOTHER STATE

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and/or D.

SECOND SPECIFICATION


HAVING DISCIPLINARY ACTION TAKEN BY
A DULY AUTHORIZED DISCIPLINARY
AGENCY OF ANOTHER STATE

Respondent is charged with having disciplinary action taken by a duly authorized disciplinary agency of another state, where the conduct resulting in Respondent's disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in Paragraphs A, B, C, and/or D.

DATED: Albany, New York

January 14, 1994



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