



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

February 7, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Tova Li Babad, M.D.
16409 Woodruff Avenue
Bellflower, CA 90706-4998

RE: License No. 122726

Dear Dr. Li Babad:

Enclosed please find Order #BPMC 02-45 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 7, 2002.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
TOVA LI BABAD, M.D.
PM-02-01-0054-A

SURRENDER
ORDER
BPMC No. 02-45

TOVA LI BABAD, M.D., says:

On or about January 6, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 122726 by the New York State Education Department. I currently reside at 16409 Woodruff Avenue, Bellflower, CA 90706-4998.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

On or about March 31, 2000, the New York State Board for Professional Medical Conduct, by a Statement of Charges, charged me with one (1) specification of professional misconduct as set forth in that Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

On or about June 23, 2000, the New York Board for Professional Medical Conduct, by a Determination of Order #00-191, sustained the specification and suspended my license to practice medicine in New York until such time as my license to practice in the state of California is fully restored, and that I show to the satisfaction of a committee of Professional Medical Conduct that I am not incapacitated for the active practice of medicine.

I am applying to the State Board for Professional Medical Conduct to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order in lieu of the sanctions imposed by Determination of Order #00-191 described above.

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

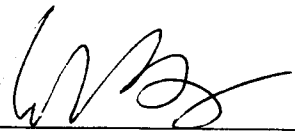
Date: January 9, 2002

Tova Li Babad
TOVA LI BABAD, M.D.
Respondent

With Regret

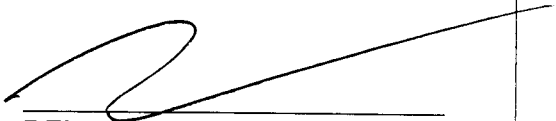
AGREED TO:

Date: 14 January 2002



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 04 February 2002



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

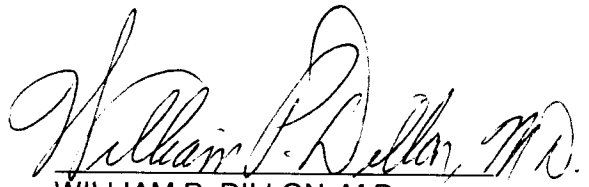
Upon the proposed agreement of **TOVA LI BABAD, M.D.**, to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/5, 2002



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

July 3, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
Hedley Park Place
433 River Street - 4th Floor
Troy, New York 12180

Tova Li Babad, M.D.
18432 Gridley Road
Artesia, California 90701

Tova Li Babad, M.D.
918 Kenter Way
Los Angeles, California 90049

RECEIVED
NYS DEPT. OF HEALTH

Division of Legal Affairs
Bureau of Professional Medical Conduct

RE: In the Matter of Tova Li Babad, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-191) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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.

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

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.

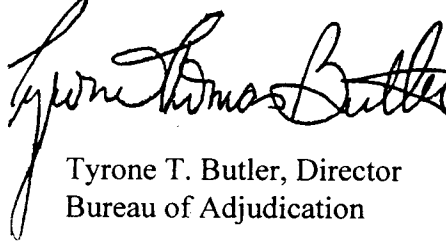
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

IN THE MATTER
OF
TOVA LI BABAD, M.D.

DETERMINATION

OF

ORDER

BPMC #00-191

A Commissioner's Order and Notice of Hearing dated, March 31, 2000 and a Statement of Charges dated March 31, 2000, were served upon the Respondent **TOVA LI BABAD, M.D.**

DAVID HARRIS, M.D., Chairperson, **J. LaRUE WILEY, M.D.** and **MR. MICHAEL WALKER**, duly designated members of the State Board for professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on June 15, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent did not personally appear at the hearing, but she did participate by telephone conference with the Hearing Committee and testified under oath.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, 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 an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Commissioner's Order and Notice of Hearing and the Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Tova Li Babad, M.D., the Respondent
(by Telephone)

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. The citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **TOVA LI BABAD, M.D.**, the Respondent, was authorized to practice medicine in New York on January 6, 1975, by the issuance of license number 122726 by the New York Education Department. (Pet's. Ex. 4)

2. On November 16, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Order"), revoked the Respondent's physician and surgeon's certificate, stayed the revocation, and placed her on probation for four (4) years with terms and conditions, based on a mental competency examination that found she was unable to practice medicine with safety to the public because she suffers from a debilitating mental illness that has impaired her ability to practice medicine safely. (Pet's. Ex. 5)

3. By Order dated March 31, 2000, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and

made a part hereof, has determined that **TOVA LI BABAD, M.D.** has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by **TOVA LI BABAD, M.D.**, the Respondent, constitutes imminent danger to the health of the people of this state.

The Commissioner ORDERED, pursuant to New York Public Health Law Section 230(12)(b), that effective immediately, **TOVA LI BABAD, M.D.**, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law Section 230(12). (Pet's. Ex. 1)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that Respondent suffers from a psychiatric condition which impairs her ability to practice medicine.

VOTE OF HEARING COMMITTEE

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had her license revoked or having other disciplinary action taken after a disciplinary action was instituted against her by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case indicates that on November 16, 1999, the Medical Board of California revoked the Respondent's physician and surgeon's certificate, stayed the revocation, and placed her on probation for four (4) years with terms and conditions, based on a mental competency examination that found she was unable to practice medicine with safety to the public because she suffers from a debilitating mental illness that has impaired her ability to practice medicine safely.

By Order, dated March 31, 2000, the Commissioner of Health of the State of New York determined that the continued practice of medicine in the State of New York by the Respondent constitutes an imminent danger to the health of the people of this state and Ordered that the Respondent shall not practice in New York.

The Respondent testified under oath via telephone. She is currently living in a board and care facility where she receives psychiatric care.

The Respondent stated that her psychiatrist believes that her illness lies somewhere within the schizophrenic spectrum though she falls at the very high-functioning end, what he would term schizoaffective. She is eager to resume the practice of medicine.

The Respondent seemed to be an earnest, honest, and credible witness.

Given the facts of this case, the Hearing Committee determines unanimously (3-0) that the interest of the people of the State of New York would best be served by suspending the Respondent's license to practice medicine in the State of New York until such time as her license to practice medicine in the State of California is fully restored. The Respondent's license to practice medicine in New York should be restored when the Respondent makes a showing to the satisfaction of a committee of professional medical conduct of the state board for professional medical conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

ORDER

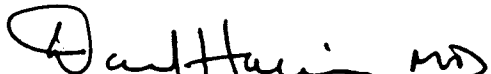
IT IS HEREBY ORDERED:

1. The Respondent's license to practice medicine in the State of New York is **SUSPENDED** until such time as her license to practice medicine in the State of California is fully restored.

2. The Respondent's license to practice medicine in New York shall be restored when the Respondent makes a showing to the satisfaction of a committee of professional conduct of the state board for professional medical conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

3. This ORDER shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: June 23, 2000
, New York


DAVID HARRIS, M.D., Chairperson

J. LaRUE WILEY, M.D.
MR. MICHAEL WALKER

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

IN THE MATTER
OF
TOVA LI BABAD, M.D.

STATEMENT
OF
CHARGES

TOVA LI BABAD, M.D., the Respondent, was authorized to practice medicine in New York state on January 6, 1975, by the issuance of license number 122726 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 16, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Order"), revoked the Respondent's physician and surgeon's certificate, stayed the revocation, and placed her on probation for four (4) years with terms and conditions, based on a mental competency examination that found she was unable to practice medicine with safety to the public because she suffers from a debilitating mental illness that has impaired her ability to practice medicine safely.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(8) (having a psychiatric condition which impairs her ability to practice); and/or


2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine).

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had her license revoked or having other disciplinary action taken after a disciplinary action was instituted against her by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action 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 and/or B.

DATED: *Mar 21*, 2000
Albany, New York


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