



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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

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

July 17, 1995

Karen Schimke  
*Executive Deputy Commissioner*

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul Stein, Esq.  
NYS Dept. of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

Nathan L. Dembin, Esq.  
Nathan L. Dembin & Associates  
225 Broadway-Suite 1905  
New York, New York 10007

MacLean Jadoo, R.P.A.  
Peninsula Hospital Center  
31-15 Beach Channel Drive  
Far Rockaway, New York 10022

MacLean Jadoo, R.P.A.  
794 Midwood Street Apt. 5F  
Brooklyn, New York 11203

RECEIVED  
JUL 18 1995  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

**RE: In the Matter of MacLean Jadoo, R.P.A.**

Effective Date: 07/24/95

Dear Mr. Stein, Mr. Dembin and Mr. Jadoo:

Enclosed please find the Determination and Order (No. 95-50) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Empire State Plaza  
Corning Tower, Room 438  
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.

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

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:

Enclosure

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

**IN THE MATTER  
OF  
MACLEAN JADOO, R.P.A.**

**ADMINISTRATIVE  
REVIEW BOARD  
DECISION AND  
ORDER NUMBER  
ARB NO. 95-50**

The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.** held deliberations on May 19, 1995 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) March 8, 1995 Determination finding Maclean Jadoo, R.P.A. (Respondent) guilty of professional misconduct. The Office of Professional Medical Conduct (Petitioner) requested the Review through a Notice which the Board received on March 15, 1995. James F. Horan served as Administrative Officer to the Review Board. Paul Stein, Esq. filed a brief for the Petitioner, which the Review Board received on April 20, 1995. Nathan L. Dembin, Esq. filed a brief for the Respondent, which the Review Board received on May 2, 1995.

**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 Petitioner charged the Respondent, a physician assistant, with fraudulent practice, moral unfitness and wilfully abusing a patient. The Commissioner of Health commenced the proceeding against the Respondent by issuing an Order<sup>1</sup> suspending the Respondent from practice immediately, because the Commissioner concluded that the Respondent constituted an imminent danger to the public health. The charges of moral unfitness and wilful abuse arose from care, including pelvic examinations, which the Respondent performed on five patients, A through E. The fraud charge arose from applications for employment at the Executive Health Group and the Brooklyn Medical Group.

The Hearing Committee found that the Respondent was not guilty of moral unfitness and wilfully abusing a patient, arising from the Respondent's examinations of Patients A through E. The Committee found that the Respondent had performed vaginal or vaginal/rectal examinations on Patients A through D, at 5 various stages during the Patients' pregnancies. The Committee found that the Respondent had performed a vaginal examination on Patient E, who complained of injuring her ankle after a fall. The Respondent stated that he had performed a vaginal exam on Patient E because of her age, 60, and because the Respondent thought it was appropriate to look for tenderness in the vagina, which would be indicative of a pelvic fracture.

The Committee concluded that the Respondent's difficulties with the five Patients were attributable to a lack of skill and supervision and lack of communication skills with his patients. The Committee noted that in the cases of Patients A through D, hospital protocols required rectal/vaginal or vaginal examinations at the stages of the Patients' pregnancies. As to Patient E, the Committee

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<sup>1</sup>Hearing Committee Report, Appendix I

found that considering the Patient's age, 60, and with the possibility of osteoporosis and suspicion of pelvic fracture, a pelvic exam was warranted. The Committee concluded that the Respondent's examinations of Patient A through E were performed for legitimate medical purposes and not for any immoral, prurient or sexual purpose and did not evidence moral unfitness or wilfully abusing patients. The Committee also did not sustain a charge that the Respondent had committed moral unfitness and willful abuse arising from a phone call to Patient E, which the Respondent made to the Patient after administration at the Brooklyn Group had questioned the Respondent about his treatment of Patient E.

The Committee sustained the charges that the Respondent had engaged in fraudulent practice concerning his statements on applications for employment with Executive Health Group and Brooklyn Medical Group. The Committee found that Elmhurst Hospital had terminated the Respondent's employment on May 10, 1995 after the Hospital's investigation had established, what the Hospital found to be, substantial documentation from a number of patients supporting allegations that the Respondent had committed professional misconduct. The Committee found that the Respondent intentionally stated false reasons for his termination by Elmhurst to the Mitchell/Martin Recruitment Agency, and with intent to deceive, failed to include his employment with Elmhurst on his application to Executive Health Group and Brooklyn Medical Group.

The Committee voted to suspend the Respondent's license to practice as a Physician's Assistant for three years, stayed the suspension and placed the Respondent on probation. The terms of probation include the condition that the Respondent practice under the supervision of a physician familiar with the Respondent's history and that the Respondent not examine a female patient without a chaperon present.

#### **REQUESTS FOR REVIEW**

**PETITIONER:** The Petitioner has requested that the Review Board overrule the Hearing Committee's Determination, because the Determination is inconsistent with findings of fact that

establish that the Respondent was guilty of sexual abuse, verbal abuse and moral unfitness. The Petitioner asks that the Review Board revoke the Respondent's license to practice.

The Petitioner contends that the facts establish that the Respondent sexually and verbally abused Patient E and that the Respondent committed acts of sexual abuse against Patients A through D. The Petitioner contends further that the Respondent's fraudulent conduct alone merits revocation of the Respondent's license to practice.

**RESPONDENT:** The Respondent asserts that the findings by the Hearing Committee establish that the Respondent performed physical examinations upon Patient E for legitimate medical purposes and that the Respondent did not verbally abuse Patient E when he made a phone call to the Patient to clear up confusion concerning the examination he performed on Patient E. The Respondent also argues that the Hearing Committee found that the Respondent performed examinations on Patients A through D for legitimate medical reasons.

The Respondent argues that the penalty which the Committee imposed for fraudulent practice was significant and need not be more severe.

### **REVIEW BOARD DETERMINATION**

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes 4-1 to sustain the Hearing Committee's Determination that the Respondent was not guilty of willfully abusing a patient and not guilty of moral unfitness. The Board's majority defers to the expertise of the Hearing Committee members, who found that the Respondent's examinations of Patients A through E were performed for legitimate medical reasons and not for any prurient or sexual purpose. The Review Board also feels that the Committee's findings concerning the Respondent's phone call to Patient E are not grounds on which to find the Respondent guilty of moral unfitness or willful abuse.

The Review Board votes unanimously to sustain the Hearing Committee's Determination finding the Respondent guilty of fraud for failing to disclose his employment at Elmhurst Hospital

on his application for employment at Executive Health Group and Brooklyn Medical Group and for stating a false reason for his termination at Elmhurst to the Mitchell/Martin Recruitment Agency.

The Review Board votes unanimously to overturn the Hearing Committee's Penalty, because the penalty is not consistent with the Committee's finding that the Respondent repeatedly misstated or concealed facts concerning his prior employment in applications for employment as a Physician Assistant. The Review Board votes unanimously to revoke the Respondent's license to practice as a Physician Assistant.

The Hearing Committee's Penalty would place the Respondent on probation, require that the Respondent's supervising physician be familiar with the Respondent's history and require that the Respondent not examine female patients without a chaperon present. The Review Board finds that this Penalty is not appropriate to correct the Respondent's pattern of fraudulent conduct. The Respondent was already under a duty to report truthfully on his applications for employment at Executive Health Group and Brooklyn Medical Group. The Respondent's employers or supervising physicians at those practices had a right to be familiar with the Respondent's history at the time they hired the Respondent. The Review Board does not see how the three years of supervision by a physician familiar with the Respondent can correct the Respondent's pattern of fraudulent conduct. The Review Board finds nothing in the hearing record which would indicate that the Respondent is capable of such rehabilitation. The Hearing Committee found that the Respondent was not credible in his testimony on the record concerning Patient E. Although the Respondent denied that he had placed his fingers into Patient's E vagina while examining that Patient<sup>1</sup>, the Hearing Committee found that the Respondent did place his fingers in Patient E's vagina<sup>2</sup>. The Committee's condition that a chaperon be present when the Respondent examines a female is also inappropriate as a Penalty for fraud. The Review Board does not see the reason why the Committee felt a chaperon was appropriate since the Committee concluded that the Respondent's examinations on the five patients were for legitimate medical purposes.

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<sup>1</sup>Hearing Transcript pages 811-814.

<sup>2</sup>Hearing Committee Finding of Fact 50, p. 18.

A pattern of making false statements on applications to obtain employment at various medical practices is grounds for revocation, Matter of Glassman, 208 A.D. 2d 1060, 617 N.Y.S. 2d 413 (Third Dept. 1994). The repeated nature of the Respondent's misconduct demonstrates that the Respondent lacks the integrity to practice as a Physician's Assistant.



**ORDER**

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

1. The Review Board **SUSTAINS** the Hearing Committee's March 8, 1995 Determination finding Maclean Jadoo, RPA guilty of professional misconduct.
2. The Review Board **OVERTURNS** the Hearing Committee's penalty.
3. The Review Board **VOTES** 5-0 to **REVOKE** the Respondent's license to practice as a physician's assistant in New York State.

**ROBERT M. BRIBER**

**SUMNER SHAPIRO**

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

**EDWARD SINNOTT, M.D.**

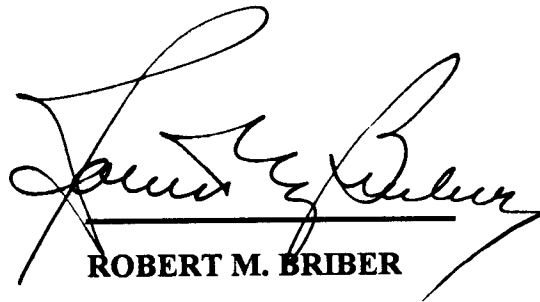
**WILLIAM A. STEWART, M.D.**

**IN THE MATTER OF MACLEAN JADOO, RPA**

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

**DATED: Albany, New York**

6/7, 1995



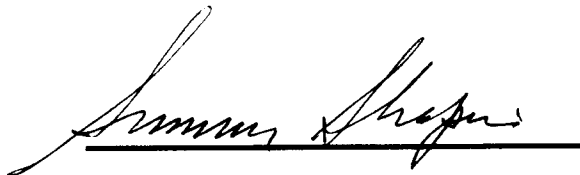
**ROBERT M. BRIBER**

**IN THE MATTER OF MACLEAN JADOO, RPA**

**SUMNER SHAPIRO**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Mr. Jadoo.

**DATED: Delmar, New York**

June 5, 1995

A handwritten signature in cursive script, reading "Sumner Shapiro", is written over a solid horizontal line.

**SUMNER SHAPIRO**

**IN THE MATTER OF MACLEAN JADOO, RPA**

**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 Mr. Jadoo.

**DATED: Brooklyn, New York**

\_\_\_\_\_, 1995

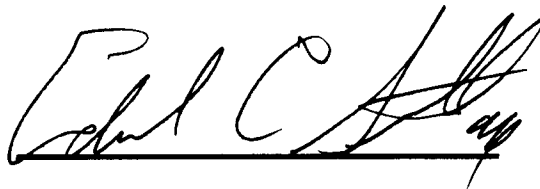
  
\_\_\_\_\_  
**WINSTON S. PRICE, M.D.**

**IN THE MATTER OF MACLEAN JADOO, RPA**

**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 Mr. Jadoo.

**DATED: Roslyn, New York**

*Jun 5*, 1995

A handwritten signature in black ink, appearing to read "Edward C. Sinnott, M.D.", written over a horizontal line. The signature is stylized and cursive.

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

**IN THE MATTER OF MACLEAN JADOO, RPA**

**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 Mr. Jadoo.

**DATED: Syracuse, New York**

5 June, 1995

*William A Stewart*

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