



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

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November 1, 2001

MacLean Jadoo, Physician *ASSISTANT*  
794 Midwood Street  
Brooklyn, New York 11203

Re: Application for Restoration

*MR*  
Dear ~~Dr.~~ Jadoo:

Enclosed please find the Commissioner's Order regarding Case No. 01-01-23 which is in reference to Calendar No. 18053, which was processed in error under Calendar number 17065. 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

The  
University of the  
Education  State of New York  
Department

IN THE MATTER  
of the  
Application of MacLEAN JADOO  
for restoration of his license to  
practice as a registered physician  
assistant in the State of New York.

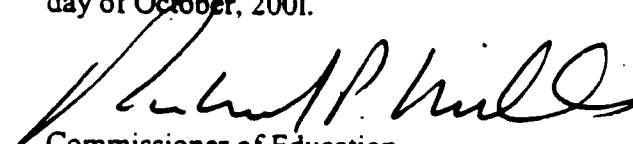
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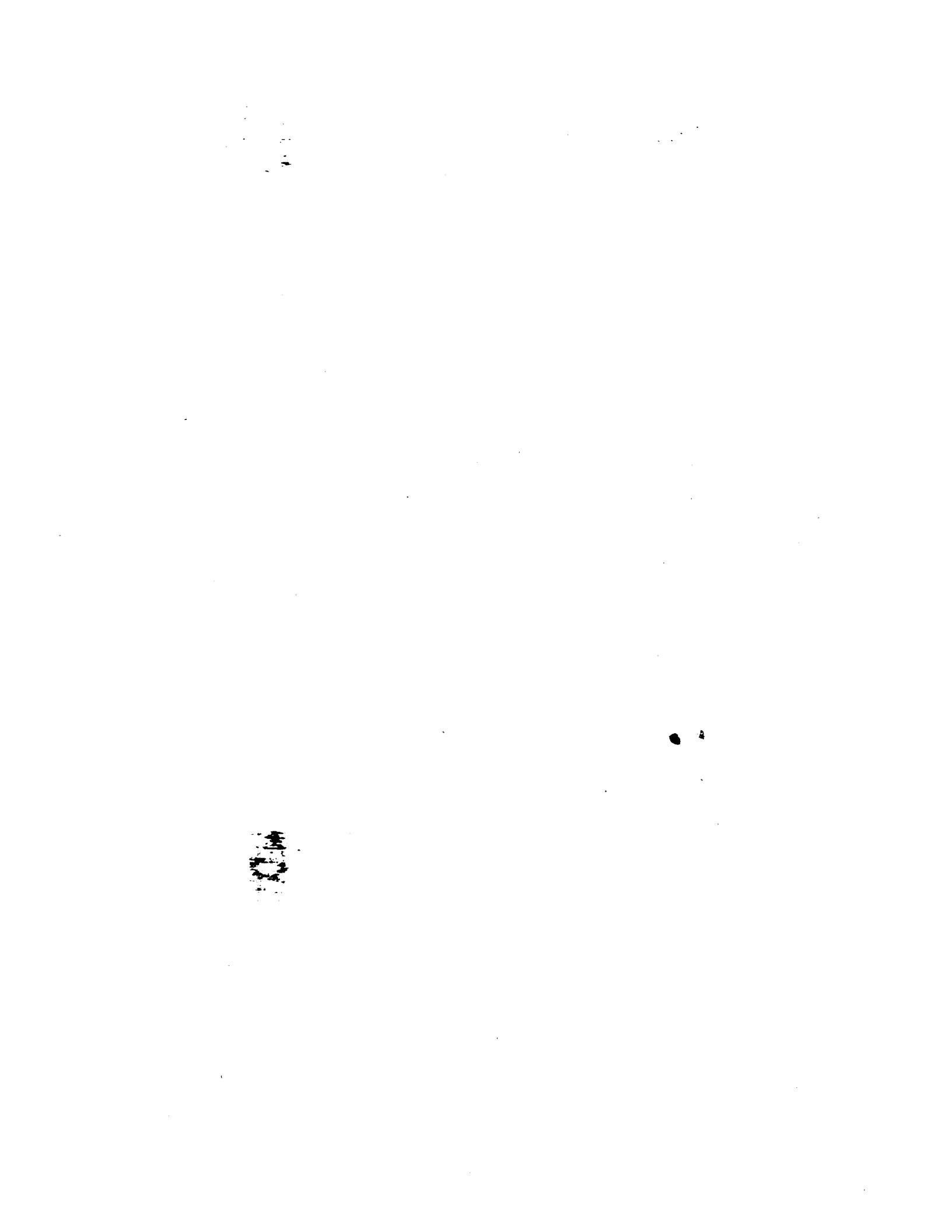
Case No. 01-01-23

It appearing that the application of MacLEAN JADOO, 794 Midwood Street, Brooklyn, New York 11203, authorizing him to practice as a registered physician assistant in the State of New York, was revoked by action of the Administrative Review Board for Professional Medical Conduct effective July 24, 1995, and he having petitioned the Board of Regents for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 October 6, 2001, it is hereby

ORDERED that the petition for restoration of License No.004700, authorizing MacLEAN JADOO to practice as a registered physician assistant in the State of New York, is denied, but that the execution of the order of revocation of said license is stayed, and said MacLEAN JADOO is placed on probation for a period of one year under specified terms and conditions, and upon successful completion of this probationary period, his license will be fully restored.

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 24<sup>th</sup>  
day of October, 2001.

  
Commissioner of Education



Case No. 01-01-23

It appearing that the application of MacLEAN JADOO, 794 Midwood Street, Brooklyn, New York 11205, to practice as a registered physician assistant in the State of New York, having been revoked by action of the Administrative Review Board for Professional Medical Conduct July 24, 1995, 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 October 6, 2001, it was

VOTED that the petition for restoration of License No. 004700, authorizing MacLEAN JADOO to practice as a registered physician assistant in the State of New York, be denied, but that the order of revocation of said license shall be stayed, and said MacLEAN JADOO shall be placed on probation for a period of one year under specified terms and conditions, and upon successful completion of this probationary period, his license will be fully restored.



Case Number 01-01-23  
August 22, 2001

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

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

**Re: MacLean Jadoo**

**Not represented by Counsel**

MacLean Jadoo, 794 Midwood Street, Brooklyn, New York 11203, petitioned for restoration of his physician assistant license. The chronology of events is as follows:

- 02/01/94 Issued license number 004700 to practice as a registered physician assistant in New York State.
- 10/20/94 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 03/08/95 Hearing Committee of State Board for Professional Medical Conduct recommended suspension of license for three years, suspension stayed, three years probation.
- 07/24/95 Effective date of Determination and Order of Professional Medical Conduct Administrative Review Board revoking license.
- 03/15/97 Petition for restoration submitted.
- 03/13/98 Peer Committee restoration review.
- 06/05/98 Report and recommendation of the Peer Committee. (See "Report of the Peer Committee.")
- 09/08/98 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")
- 04/27/99 Board of Regents voted to remand petition to the Peer Committee.
- 05/28/99 Date of Commissioner's Order.
- 11/29/99 Report and recommendation of the Peer Committee upon remand. (See "Report of the Peer Committee.")

- 05/24/00 Report and recommendation of Committee on the Professions upon remand. (See "Report of the Committee on the Professions.")
- 09/14/00 Board of Regents voted to refer to Committee on the Professions for further amplification of its rationale.
- 08/22/01 Report and recommendation of Committee on the Professions upon referral. (See "Report of the Committee on the Professions.")

**Disciplinary History.** (See Determination and Order No. 95-50 of the Hearing Committee and Administrative Review Board of the Office of Professional Medical Conduct.) On October 20, 1994, the Department of Health charged Mr. Jadoo with 17 specifications of professional misconduct, including fraudulent practice, moral unfitness, and willfully abusing a patient. The Commissioner of Health suspended Mr. Jadoo from practice immediately, concluding that he constituted an imminent danger to the public health. The charges of moral unfitness and willful abuse arose from care, including pelvic examinations, Mr. Jadoo provided to five patients. The fraud charge arose from applications for employment at the Executive Health Group and the Brooklyn Medical Group and for stating a false reason for his termination at Elmhurst Hospital to the Mitchell/Martin Recruitment Agency.

The Hearing Committee found that Mr. Jadoo was not guilty of moral unfitness and willfully abusing a patient, finding that he had performed vaginal or vaginal/rectal examinations on four patients at five various stages during their pregnancies. The Committee found that he had performed a vaginal examination on a 60-year-old woman who complained of injuring her ankle after a fall and Mr. Jadoo thought it was appropriate to look for tenderness in the vagina, which would be indicative of a pelvic fracture. The Committee concluded that Mr. Jadoo's difficulties were attributable to a lack of skill and supervision and lack of communication skills with his patients. The Committee concluded that Mr. Jadoo's examinations of the five patients were performed for legitimate medical purposes and not for any immoral, prurient or sexual purpose and did not evidence moral unfitness or willful abuse of patients.

The Committee sustained the charges that Mr. Jadoo had engaged in fraudulent practice concerning his statements on applications for employment with Executive Health Group and Brooklyn Medical Group by not indicating that he had been employed and terminated by Elmhurst Hospital. The Committee voted to suspend Mr. Jadoo's license for three years, stayed the suspension, and placed him on probation.

The Office of Professional Medical Conduct requested a review of the Hearing Committee's decision by the Administrative Review Board for Professional Medical Conduct. The Review Board accepted the determinations of the Hearing Committee but voted to overturn the Hearing Committee's penalty because they felt it was not consistent with the Committee's finding that Mr. Jadoo repeatedly misstated or concealed facts concerning his prior employment in applications for employment as a

Physician Assistant. The Review Board voted unanimously to revoke Mr. Jadoo's license.

On **March 15, 1997**, Mr. Jadoo submitted a petition for restoration of his physician **assistant** license.

**Recommendation of the Peer Committee.** (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jr.; Jordan; Conner) convened on March 13, 1998. In its report dated June 5, 1998, the Committee voted to recommend that the revocation of Mr. Jadoo's physician assistant license be stayed and that he be placed on probation for two years under specified terms and conditions, including practicing only in a supervised setting with his supervisor submitting quarterly reports.

**Recommendation of the Committee on the Professions.** On September 8, 1998, the Committee on the Professions (Duncan-Poitier, Muñoz, Ahearn) met with Mr. MacLean Jadoo to consider his petition for the restoration of his license to practice as a physician assistant. Although he has an attorney who has been assisting him with the restoration process, Mr. Jadoo indicated that he requested his attorney not to accompany him to the meeting with the Committee.

The Committee asked Mr. Jadoo to explain why he lost his license. He responded that Elmhurst Hospital hired him as a physician assistant in October 1993 when he was just out of school. He said that he was assigned to see both Obstetrics and Gynecology patients although his training in those areas was minimal. Mr. Jadoo reported that during his two-week rotation in Obstetrics as part of his physician assistant program he only did one vaginal examination. He indicated that he worked with his supervising physician his first day of employment, and then he was on his own. He said that he was working from 7:00 a.m. to 7:00 p.m. and seeing 35 to 45 patients a day. He indicated that if he had questions, he would ask a doctor or someone else who might help him. He stated, "If you called a physician, he would give you a consult over the phone." Mr. Jadoo said that after he had worked at the hospital for about five months, a hospital administrator told him "We have to send you home. There's been a problem. Don't come back to work." Mr. Jadoo reported that the administrator told him that he couldn't discuss the reasons with him. Mr. Jadoo stated that a week later he was informed that he had been terminated for sexual misconduct and indicated that at the time he had no idea what they were talking about. He told the Committee, "I was so upset. So many people were depending on me."

Mr. Jadoo indicated that he tried to find other jobs and said that he didn't tell them of the charges against him. The Committee asked, "If you felt that you didn't do anything wrong, why were you afraid to indicate the charges on your applications for appointment?" Mr. Jadoo responded, "I was afraid they would not hire me. Honestly, if someone told me that, I would think about it." He stated that he was hired and worked as a physician assistant at the Empire HIP Center but only listed on his application for employment that he worked for a short period as a "temp." Mr. Jadoo reported that he



worked at HIP for about two months until "the investigators came." In response to the Committee's inquiry, he stated that he worked as part of a general practice, but he did perform obstetrics and gynecology services, including pelvic exams. Mr. Jadoo said that there were no complaints filed by his patients. The Committee asked if chaperones were present during those examinations and he replied, "Yes, if you have a GYN exam." Mr. Jadoo said that on his application for licensure in Florida he also omitted that he had been employed at and dismissed by Elmhurst Hospital.

The Committee asked Mr. Jadoo why the women accused him of sexual misconduct. He replied that he couldn't imagine anyone accusing him of such a thing. Upon further questioning by the Committee as to why five women felt they were abused, Mr. Jadoo said that there was one other physician assistant at the hospital who kept inviting him to lunch and gave him a birthday present. He reported that he kept telling her he was a married man and couldn't become involved with her. He indicated that the accusers were the same patients that she saw, but he told the Committee, "I really don't know why." Mr. Jadoo said, "I want to be truthful, honest, and speak straight from the heart."

Mr. Jadoo said that most of his patients at Elmhurst Hospital were Spanish speaking and he did not speak or understand that language. He said the hospital clinics were busy and it was difficult to get chaperones and translators who could explain to the patients "what you were doing." He told the Committee, "I think this is what started the problem." Mr. Jadoo stated that he performed both OB and GYN examinations, but the complaints came only from the obstetrics patients. He said, "I think I was performing the exams correctly," and indicated that the Department of Health did not find him guilty of sexual misconduct. He reported that there were no complaints from his English-speaking patients. Mr. Jadoo told the Committee that he felt his inability to communicate and his method of doing the examinations led to the sexual misconduct charges. He indicated that he used the same examination methods for all his patients, but not all complained. The Committee asked Mr. Jadoo why five women thought something horrible was happening to them and if he thought any harm was caused by him. He responded, "I'm sure they went through a lot of pain and suffering - like I did." He said that he now understands that if he were in their place, he would probably have felt violated. He stated, "I feel bad for them." Mr. Jadoo told the Committee that after the examinations, an interpreter would often explain what occurred, but that he wasn't sure what was said to them. The Committee asked if he was aware if any lawsuits were filed against the supervising physician or the hospital. He responded that he was unaware of any but his supervising physician left at about the same time as he did.

Mr. Jadoo indicated that he felt the conditions of probation recommended by the Peer Committee would seriously affect his getting a job. He said, "I think I've suffered enough. I've disgraced my profession. I can't change what I've done, but I can change what I can do in the future." He indicated that he could work in the same type of environment as previously because "I've done nothing wrong." He said that if the patients were Spanish-speaking, he would learn the language. Additionally, he said

that he would always have a chaperone present and that he has learned very well from his experience. The Committee asked why he felt his license was revoked. Mr. Jadoo replied, "Honestly, I think they revoked my license because of the lying episodes. I think they thought I couldn't be trusted." He indicated that he thought the penalty was harsh although he said that he should have definitely been disciplined.

The Committee asked if there was anything else he would like to tell them. He said, "I would like to apologize to the patients who thought I sexually abused them." He indicated that he had just graduated from his educational program and was trying to make his examinations as complete as possible and was "trying to not miss anything." He stated that he now realizes that it was probably hard for his patients to understand fully what he was doing and why he was doing it. He said that were his license restored he would always make sure that a female chaperone was in the examining room and, whenever possible, would try to arrange it so that a patient would always see the same person. Mr. Jadoo indicated that he would be much more careful in everything he did.

Following the meeting, the Committee received a letter, dated September 10, 1998, from Mr. Jadoo and a letter of recommendation, dated October 13, 1998, from Anthony Radi, a physician assistant who was (and still is) employed at Elmhurst Hospital and worked with Mr. Jadoo. These two documents were considered by the Committee in their deliberations.

After extensive discussion with the applicant, two members of the Committee on the Professions (COP) find that they are constrained by the finding of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, specifically, that petitioner was not guilty of sexual misconduct. Accordingly, the majority will address only the issue of the applicant's untruthfulness on various applications. The majority finds that Mr. Jadoo made a compelling case for the restoration of his license; the minority member does not. The majority concurs with the determination of the Peer Committee that Mr. Jadoo "is sorry for falsifying his application, accepts responsibility for his actions and truly understands the root causes of his wrongdoing." The majority believes that he has demonstrated remorse for having lied on his applications for employment and licensure and understands the ramifications of not being truthful. While not condoning his deceptive actions, the majority notes that the misconduct occurred while he was a novice in the profession and concerned about providing for his family as a new professional. The majority agrees with the Peer Panel that Mr. Jadoo "would never make the same mistake again. We believe him when he says that he will tell the truth and accept whatever consequences come along." The majority notes that Mr. Jadoo was truthful and open to his employers at Empire HIP Center about the alleged sexual misconduct charges after the investigator appeared at the facility and he worked there with no further complaints. The majority relies on the determination of the Peer Committee that Mr. Jadoo is sufficiently reeducated to resume practice and also notes that Mr. Jadoo had his license revoked for failure to tell the truth which, while serious, might not ordinarily result in revocation. The majority concurs with the Peer Committee that Mr. Jadoo's

reentry into the profession should be gradual and supervised during a two-year probationary period.

The COP member voting in the minority notes that restoration of a license is not an automatic right and should only be granted in exceptional cases based upon documentation of merit. The dissenting member does not believe that Mr. Jadoo presented a compelling case for restoration of his physician assistant license and believes that the restoration should be denied. While the two other members of the COP indicated that they were constrained by the findings of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, Mr. Jadoo mentioned these accusations during the COP meeting and his rationale for their occurrence. It was not the opinion of the minority COP member that Mr. Jadoo was honest when he simply blamed the patients' belief of sexual assault on the fact that the women could not speak English and, therefore, misunderstood his treatment, (especially, when the 60-year-old woman who complained of sexual abuse after receiving a pelvic exam for an ankle injury spoke English) nor was he honest with the reasons for hiding this information from future employers while continuing to perform GYN exams. If one limits one's thinking strictly to the Administrative Review Board, in its decision to revoke Mr. Jadoo's license, the Board wrote, "The repeated nature of the Respondent's misconduct demonstrates that the Respondent lacks the integrity to practice as a Physician's Assistant."

Similarly, the minority notes that the Department of Health (September 2, 1997) strongly opposes the restoration of Mr. Jadoo's license and states, "Mr. Jadoo's petition exhibits continued dishonesty through untruthful and misleading statements. He incorrectly states that he was 'completely absolved of the charges of professional misconduct,' and fails to note the exact nature of the charges against him. The ARB determined that Mr. Jadoo is incapable of rehabilitation and there is nothing of significance in his petition to overturn their decision." The record shows that he intentionally stated false reasons for his termination from Elmhurst Hospital to Mitchell/Martin Recruitment Agency, and intentionally, with the intent to deceive, failed to include his employment with Elmhurst Hospital on applications for employment with the Executive Health Group and Brooklyn Medical Group HIP Center. Although the charges of sexual misconduct were not sustained, the record shows that Elmhurst Hospital terminated Mr. Jadoo's employment after the hospital's investigation had established documentation from a number of patients supporting allegations that he had committed professional misconduct. Additionally, the minority member of COP notes that the Office of Professional Medical Conduct Hearing Committee found that Mr. Jadoo was not credible in his testimony concerning a 60-year old patient complaining of an ankle injury. Although Mr. Jadoo denied that he had placed his fingers into the patient's vagina while examining her, the Hearing Committee found that Mr. Jadoo did place his fingers in the patient's vagina. The minority notes that Mr. Jadoo continues to deny such action, indicating now that his fingers might have slipped during the examination. The dissenting member finds that Mr. Jadoo did not present convincing arguments to eradicate the lingering doubts regarding his integrity and honesty – the basis for his revocation. Therefore, the minority voted to deny Mr. Jadoo's

application for restoration at this time.

Therefore, after a complete review of the record and its interview with him, the Committee on the Professions voted by a vote of two to one to recommend to the Board of Regents that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for three years under the terms and conditions of probation attached to the Report of the Peer Committee and labeled as Exhibit "A."

**Action of the Board of Regents.** On April 27, 1999, the Board of Regents voted to remand Mr. Jadoo's petition for restoration to the original Peer Committee for further proceedings, or to a newly constituted committee if the original Peer Committee could not be reconvened, to consider Mr. Jadoo's admission that he was not adequately supervised and that his education, skills, and examination methods, including vaginal examinations, may not have been at a level high enough for a new practitioner and to conduct such review as may be necessary to reassess his current competency and to make specific recommendations to ensure that the public would not be in danger were Mr. Jadoo's license restored.

**Recommendation of the Peer Committee Upon Remand.** (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jr.; Jordan; Conner) reconvened and met with Mr. Jadoo on July 23, 1999. The Committee received documentation from Mr. Jadoo indicating that he was certified by the National Commission on Certification of Physician Assistants on June 1, 1996 and that his certification is current. The Committee also received documentation indicating that Mr. Jadoo took and received credit for more than 300 hours of continuing medical education. The Peer Committee stressed that in order to become nationally certified, Mr. Jadoo had to pass a "comprehensive National Certifying Examination" and pointed out that Mr. Jadoo continues to maintain certification - - an indication, it felt, of current competency. Even though the Committee noted that during Mr. Jadoo's rotation at Elmhurst Hospital he was found to be "extremely clinically competent" and able to "perform appropriate examinations," it stressed that it was evaluating his current, rather than his past, competency. The Committee also found that Mr. Jadoo recently attended the national conference of the American Academy of Physician's Assistants. In Mr. Jadoo's current position as a laboratory technologist at Kingsbrook Medical Center, he demonstrated to the Committee that he attends medical lectures and training courses, and observes grand rounds. He also told the Committee that he teaches incoming students and assists them when they finish a rotation. Based on this information, the Committee unanimously concluded that he was currently competent to practice. Additionally, the Committee stated, "We unanimously find the applicant has demonstrated that he has sufficient moral character to be worthy of restoration at this time; and that he currently possesses sufficient skills to practice his profession safely." The Committee voted unanimously to recommend that the revocation of Mr. Jadoo's physician assistant license be stayed and that he be placed on probation for one year under specified terms and conditions.

Recommendation of the Committee on the Professions Upon Remand. On May 24, 2000, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) reconvened to consider Mr. Jadoo's restoration application and the information provided by the Peer Committee from its review upon remand. Prior to the meeting, the Committee on the Professions (COP) shared with the Department of Health (DOH) the action by the Board of Regents and the reports of the COP and the Peer Committee and requested and received an updated recommendation. A copy of the DOH recommendation was sent to Mr. Jadoo.

The COP asked Mr. Jadoo if he understood the Board of Regents action to remand his application so that it could have a greater degree of assurance regarding his current competency to practice. Mr. Jadoo told the COP that he understood. When asked for his reaction to the second recommendation of DOH, Mr. Jadoo stated, "They said that I shouldn't be trusted. But, that's all in the past. I understand what I did in the past was wrong. I really regret it and I still do." Mr. Jadoo also told the COP that he felt that the Department of Health didn't believe what he was now saying and felt that if he could talk to them in person, he could get them to understand the sincerity of his remorse. Additionally, he indicated that he felt that he could convince DOH that he truly understands how his behavior was harmful and would assure them that it wouldn't occur again.

The COP asked Mr. Jadoo to consider how difficult it is to measure morals and integrity and to explain to the Committee what has changed in his life that demonstrates that he is no longer dishonest, as demonstrated by his past actions. Mr. Jadoo said, "When I get back to work, I'll do my best. I'll tell a new employer everything that happened. I'll be very careful. I'll work under supervision. I'll ask a lot of questions. I'll get a second opinion. I'll be honest about everything I do." He told the COP, "I've been honest since this happened. I'm more forthcoming in everything I do." When the COP asked him if anything changed, he stated, "I lost my character - which is very important. I lost everything since this happened. I lost the trust from the public, my employers, and the Education Department."

Mr. Jadoo told the COP, "It's too much. I've lost everything. If I'd told the truth from day one, they probably would have given me the job for being honest. This is what happens when you're dishonest. I should have told the truth." He said that if you're dishonest, "somewhere along the line it will catch up to you."

The COP asked him what he was doing currently. He stated that he is a laboratory technician. He reported that he told his employer what happened and that the hospital still employed him part-time for 2-3 days per week. The COP asked him what he planned to do were he to receive his license back. Mr. Jadoo stated that he wouldn't work in an environment that was as hectic or unstructured as when he worked at Elmhurst Hospital. He said that he planned to make sure he has adequate supervision. He told the COP that he was just out of school when he began working at the Hospital, and he was eager to work. He said he just wanted a job and even though he felt things weren't going very well and he was unable to confer with doctors

when needed, he didn't want to quit for fear of a "bad reference." Mr. Jadoo stated that that would never happen again. In closing, he told the COP, "I'm very sorry that I embarrassed the State, the public and myself. I am truly sorry. If you give me one more chance, this will never happen again." Mr. Jadoo gave an example of what he considered an "ultimate loss" due to his past behavior – his inability to bring his mother to America before she died. He said that he knew that his past behavior stopped him from having the ability to accomplish his personal goals in life and he was truly sorry for all that he had done. Mr. Jadoo told the COP that he was sure that he would never commit the same mistakes again.

The main issue regarding the remand from the Board of Regents is Mr. Jadoo's competency to practice the profession safely. The Peer Committee provided an extensive review and evaluation in its report describing the current level of Mr. Jadoo's competency as a physician assistant and the COP accepts the Peer Committee expertise and recommendation that Mr. Jadoo has a sufficient level of competency to practice safely at this time.

The COP found Mr. Jadoo's statements at the meeting to be credible and sincere. The COP and Peer Committee believe that Mr. Jadoo has presented compelling evidence and demonstrated that he was clearly remorseful and understood the gravity of his previous actions. Both the COP and the Peer Committee believe that Mr. Jadoo has learned from his past mistakes and such dishonesty and fraudulent behavior will not recur in the future. The record shows that Mr. Jadoo has told two employers the truth regarding his employment background and disciplinary standing.

Therefore, after a complete review of the record and its second interview with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for one year under the terms and conditions of probation attached to the Report of the Peer Committee and labeled as Exhibit "A."

**Action of the Board of Regents Upon Remand.** On September 14, 2000, the Committee on Professional Practice of the Board of Regents voted to refer Mr. Jadoo's petition for restoration to the Committee on the Professions for further amplification of its rationale for concluding that Mr. Jadoo has demonstrated sufficient remorse to support the restoration of his license.

**Recommendation of the Committee on the Professions Upon Referral.** The Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) voted unanimously to refer Mr. Jadoo's petition for restoration to a new Committee on the Professions, comprised of three different members. This action was based on the Committee's belief that it had adequately presented its rationale as to why Mr. Jadoo had satisfied the restoration criteria of remorse, rehabilitation, and reeducation in its two previous reports to the Board of Regents and was not certain what more it could

add. The Committee determined that a report from the perspective of three different Committee members might best assist the Regents in making its final determination.

**Recommendation of the New Committee on the Professions Upon Referral.** On October 31, 2000, a newly constituted Committee on the Professions (Templeman, Alexander, Earle) met with Mr. Jadoo to consider his petition for restoration. An attorney did not accompany him.

The Committee informed Mr. Jadoo that they were meeting with him to address concerns raised by the Board of Regents. The Committee said that its discussions and review would center around his demonstration of remorse and rehabilitation, as the two areas are closely intertwined. The Committee indicated that the question of his current competency had been addressed by the previous Committee in its report to the Regents.

The Committee asked Mr. Jadoo to identify the misconduct he committed after Elmhurst Hospital dismissed him following allegations of sexual misconduct. He replied that he lied about the charges leading to his dismissal from the hospital and also lied on his application for licensure in Florida. When asked why he lied, Mr. Jadoo replied, "I had no money. My mother had Alzheimer's disease and needed coverage 24 hours a day. I had just graduated and gotten my license and I wanted to help her." He said that he applied for licensure in Florida as he was thinking about moving there so that he could earn money to help take care of his mother who was still living in Trinidad. Mr. Jadoo told the Committee that at the time he hoped that by practicing in Florida he could arrange to have his mother live and be cared for in that State. He indicated that he was licensed in Florida before his license was revoked in New York but did not inform Florida of New York's disciplinary action. Mr. Jadoo added that Florida suspended his license after being informed of New York's revocation. He reported that Florida would place him on probation for five years once New York restores his license. He said that his mother could not understand why he could not provide for her. He added, "I was her son and it was my responsibility to provide for her." Mr. Jadoo told the Committee that he was no longer considering moving to Florida as his mother died six months ago.

When asked if he realized he was lying on the applications he submitted subsequent to the sexual misconduct charges, Mr. Jadoo replied, "Yes, but in my heart I knew that I had done nothing wrong. I just couldn't believe it. I didn't engage in sexual misconduct." He added that at the time he was "still hurting" from the allegations and his subsequent dismissal from the hospital. In referring to the instances of lying, Mr. Jadoo said, "I still regret what I did." He told the Committee that he has learned that what he did was wrong. He said that he disgraced his profession and betrayed both the public and the profession. Mr. Jadoo stated, "I take full responsibility for my actions. When someone trusts you, you have to give that trust and respect back. I did not do that."

Mr. Jadoo said that since the original misconduct occurred he has been truthful and makes sure he follows all rules. He indicated that before he was hired as a laboratory technician at Kingsbrook Medical Center he informed the Director of the laboratory of his experience at Elmhurst Hospital and how he subsequently lost his license as a result of his lying on other applications for employment. As another example, he stated that the Hearing Committee of the Office of Professional Medical Conduct placed him on probation in 1995 with the stipulation that he practice only under supervision. He was subsequently hired by a hospital and the director gave him a letter saying he would provide the supervision. When Mr. Jadoo contacted the Office of Professional Medical Conduct (OPMC) he was informed that OPMC had to approve the supervising physician before he began work and that he should not be working until such approval was granted. Mr. Jadoo told the Committee that after receiving this direction he resigned immediately.

Mr. Jadoo indicated that he has learned that he must be "upfront" and "tell everything" to prospective employers. He stated, "I know what I did was wrong. I've learned how important it is to tell the truth." He told the Committee that what has happened to him has made him a better person and has prepared him to be a better physician assistant. Mr. Jadoo said that he is now more careful, more cautious, more serious, and more truthful in everything he does. He stated that, as a result of his experience, he now understands that the public and patients place trust in licensed professionals. Mr. Jadoo summarized his attempts to stay current with his profession. He said that he has matured and learned from the past.

The Committee briefly discussed the allegations of sexual misconduct with Mr. Jadoo. He said that he has learned that he must be more cautious and careful in practicing and make certain he is effectively communicating with his patients. He indicated that he would make certain a chaperone was always in the room during his future examinations. Mr. Jadoo said that he felt that it was his responsibility as a health care provider to thoroughly treat patients and that sometimes you needed to "go the extra mile." Mr. Jadoo referred to his care of the 60-year-old woman who saw him 10 days after an ankle injury and indicated that she still had pain. He said that his examination revealed nothing wrong with her ankle but that with her history of hypertension and diabetes, he thought there was a possibility of a hip fracture. Mr. Jadoo told the Committee that he explained to the patient that he wanted to do a vaginal examination and that she did not object. He reported that the examination was negative and that he told the woman to follow up with a private physician. Mr. Jadoo said that the vaginal examination was the last procedure he performed with the patient after his other examinations could not detect the cause of her pain. He referred to another patient he had examined, a 64-year-old man coughing up clear fluid. Mr. Jadoo said that he could have sent him home after routine tests revealed nothing. He reported that further testing revealed a bowel obstruction and said that physicians had told him he did a "nice job." He said that that was his intent with the female patient and was glad that the Office of Professional Medical Conduct concluded that the vaginal examination he performed was appropriate.



The Committee on the Professions (COP) believes that any allegations of sexual misconduct are serious but notes that the Administrative Review Board (ARB) for Professional Medical Conduct sustained the Hearing Committee's determination that Mr. Jadoo's "examinations of patients A through E were performed for legitimate medical reasons and not for any prurient or sexual purpose." The COP notes that the ARB did not overturn the determination of the Hearing Committee regarding the allegations of sexual misconduct. The Hearing Committee also determined that considering the age of the 60-year-old female patient and the "possibility of osteoporosis and suspicion of pelvic fracture, a pelvic exam was warranted." The ARB sustained the "Hearing Committee's Determination finding 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." With those determinations, the COP felt constrained to only examine the allegations of misconduct that were sustained by the ARB and that formed the basis for his revocation, i.e., those related to the charges of fraud.

This COP concurs with the previous COP and with the Peer Committee that Mr. Jadoo has presented compelling evidence to demonstrate that he is remorseful for his fraudulent behavior and understands the gravity of his misconduct. While not condoning his actions, the COP finds that Mr. Jadoo was credible and forthcoming in describing why a newly licensed professional who had just lost his job and was attempting to care for a disabled parent failed to disclose on employment applications the fact that he was fired for allegations of sexual misconduct. The COP notes that Mr. Jadoo did not believe he was guilty of the sexual misconduct charges and notes that the Office of Professional Misconduct did not sustain those allegations. Mr. Jadoo told that COP that he has learned from his past experiences and the loss of his license that he must be "upfront" about his past and not attempt to obtain a position based on deceit or fraud. He explained how he has made changes in his life so that he is now more careful, more cautious, more serious, and more truthful. He explained how he has obtained a better realization of the trust placed in licensed professionals by patients and the public and an understanding that he cannot betray that trust.

Since the misconduct occurred, Mr. Jadoo demonstrated that he has been truthful and open in sharing information about his employment background and disciplinary standing with two employers. The COP finds nothing in the record to indicate that Mr. Jadoo has committed any other acts of fraud since the revocation of his license. The COP concurs with the Peer Committee that Mr. Jadoo "has become rehabilitated in view of the insight and understanding he has demonstrated regarding the wrongfulness of his prior misconduct. The applicant presently possesses the moral character that was lacking at the time he committed professional misconduct and appreciates the ethical requirements governing the profession."

Regarding his current competency, the COP notes that this criterion for restoration was thoroughly addressed in the prior reports of the Peer Committee and COP and not referred back for amplification. This COP also notes Mr. Jadoo's

commitment and efforts to remain current in the profession and his passing score on the recertification examination in 2000. The COP concurs with the Peer Committee that "he does not present any danger to the public at this time."

Therefore, after a complete review of the record and its interview with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee and the previous Committee on the Professions that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for one year under the terms and conditions of probation attached to the Report of the Peer Committee and labeled as Exhibit "A."

Leslie Templeman, Chair

Claudia Alexander

Steven Earle



Case Number 00-01-23  
May 24, 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 Assistant License**

**Re: MacLean Jadoo**

**Not represented by Counsel**

MacLean Jadoo, 794 Midwood Street, Brooklyn, New York 11203, petitioned for restoration of his physician assistant license. The chronology of events is as follows:

- 02/01/94 Issued license number 004700 to practice as a registered physician assistant in New York State.
- 10/20/94 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 03/08/95 Hearing Committee of State Board for Professional Medical Conduct recommended suspension of license for three years, suspension stayed, three years probation.
- 07/24/95 Effective date of Determination and Order of Professional Medical Conduct Administrative Review Board revoking license.
- 03/15/97 Petition for restoration submitted.
- 03/13/98 Peer Committee restoration review.
- 06/05/98 Report and recommendation of the Peer Committee. (See "Report of the Peer Committee.")
- 09/08/98 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")
- 04/27/99 Board of Regents voted to remand petition to the Peer Committee.
- 05/28/99 Date of Commissioner's Order.
- 11/29/99 Report and recommendation of the Peer Committee upon remand. (See "Report of the Peer Committee.")

05/24/00

Report and recommendation of Committee on the Professions upon remand. (See "Report of the Committee on the Professions.")

**Disciplinary History.** (See Determination and Order No. 95-50 of the Hearing Committee and Administrative Review Board of the Office of Professional Medical Conduct.) On October 20, 1994, the Department of Health charged Mr. Jadoo with 17 specifications of professional misconduct, including fraudulent practice, moral unfitness, and willfully abusing a patient. The Commissioner of Health suspended Mr. Jadoo from practice immediately, concluding that he constituted an imminent danger to the public health. The charges of moral unfitness and willful abuse arose from care, including pelvic examinations, Mr. Jadoo provided to five patients. The fraud charge arose from applications for employment at the Executive Health Group and the Brooklyn Medical Group and for stating a false reason for his termination at Elmhurst Hospital to the Mitchell/Martin Recruitment Agency.

The Hearing Committee found that Mr. Jadoo was not guilty of moral unfitness and willfully abusing a patient, finding that he had performed vaginal or vaginal/rectal examinations on four patients at five various stages during their pregnancies. The Committee found that he had performed a vaginal examination on a 60-year-old woman who complained of injuring her ankle after a fall and Mr. Jadoo thought it was appropriate to look for tenderness in the vagina, which would be indicative of a pelvic fracture. The Committee concluded that Mr. Jadoo's difficulties were attributable to a lack of skill and supervision and lack of communication skills with his patients. The Committee concluded that Mr. Jadoo's examinations of the five patients were performed for legitimate medical purposes and not for any immoral, prurient or sexual purpose and did not evidence moral unfitness or willful abuse of patients.

The Committee sustained the charges that Mr. Jadoo had engaged in fraudulent practice concerning his statements on applications for employment with Executive Health Group and Brooklyn Medical Group by not indicating that he had been employed and terminated by Elmhurst Hospital. The Committee voted to suspend Mr. Jadoo's license for three years, stayed the suspension, and placed him on probation.

The Office of Professional Medical Conduct requested a review of the Hearing Committee's decision by the Administrative Review Board for Professional Medical Conduct. The Review Board accepted the determinations of the Hearing Committee but voted to ~~overturn~~ the Hearing Committee's penalty because they felt it was not consistent with the Committee's finding that Mr. Jadoo repeatedly misstated or concealed facts concerning his prior employment in applications for employment as a Physician Assistant. The Review Board voted unanimously to revoke Mr. Jadoo's license.

On March 15, 1997, Mr. Jadoo submitted a petition for restoration of his physician assistant license.

**Recommendation of the Peer Committee.** (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jr.; Jordan; Conner) convened on March 13, 1998. In its report dated June 5, 1998, the Committee voted to recommend that the revocation of Mr. Jadoo's physician assistant license be stayed and that he be placed on probation for two years under specified terms and conditions, including practicing only in a supervised setting with his supervisor submitting quarterly reports.

**Recommendation of the Committee on the Professions.** On September 8, 1998, the Committee on the Professions (Duncan-Poitier, Muñoz, Ahearn) met with Mr. MacLean Jadoo to consider his petition for the restoration of his license to practice as a physician assistant. Although he has an attorney who has been assisting him with the restoration process, Mr. Jadoo indicated that he requested his attorney not to accompany him to the meeting with the Committee.

The Committee asked Mr. Jadoo to explain why he lost his license. He responded that Elmhurst Hospital hired him as a physician assistant in October 1993 when he was just out of school. He said that he was assigned to see both Obstetrics and Gynecology patients although his training in those areas was minimal. Mr. Jadoo reported that during his two-week rotation in Obstetrics as part of his physician assistant program he only did one vaginal examination. He indicated that he worked with his supervising physician his first day of employment, and then he was on his own. He said that he was working from 7:00 a.m. to 7:00 p.m. and seeing 35 to 45 patients a day. He indicated that if he had questions, he would ask a doctor or someone else who might help him. He stated, "If you called a physician, he would give you a consult over the phone." Mr. Jadoo said that after he had worked at the hospital for about five months, a hospital administrator told him "We have to send you home. There's been a problem. Don't come back to work." Mr. Jadoo reported that the administrator told him that he couldn't discuss the reasons with him. Mr. Jadoo stated that a week later he was informed that he had been terminated for sexual misconduct and indicated that at the time he had no idea what they were talking about. He told the Committee, "I was so upset. So many people were depending on me."

Mr. Jadoo indicated that he tried to find other jobs and said that he didn't tell them of the charges against him. The Committee asked, "If you felt that you didn't do anything wrong, why were you afraid to indicate the charges on your applications for appointment?" Mr. Jadoo responded, "I was afraid they would not hire me. Honestly, if someone told me that, I would think about it." He stated that he was hired and worked as a physician assistant at the Empire HIP Center but only listed on his application for employment that he worked for a short period as a "temp." Mr. Jadoo reported that he worked at HIP for about two months until "the investigators came." In response to the Committee's inquiry, he stated that he worked as part of a general practice, but he did perform obstetrics and gynecology services, including pelvic exams. Mr. Jadoo said that there were no complaints filed by his patients. The Committee asked if chaperones were present during those examinations and he replied, "Yes, if you have a GYN exam." Mr. Jadoo said that on his application for licensure in Florida he also omitted that he had been employed at and dismissed by Elmhurst Hospital.

The Committee asked Mr. Jadoo why the women accused him of sexual misconduct. He replied that he couldn't imagine anyone accusing him of such a thing. Upon further questioning by the Committee as to why five women felt they were abused, Mr. Jadoo said that there was one other physician assistant at the hospital who kept inviting him to lunch and gave him a birthday present. He reported that he kept telling her he was a married man and couldn't become involved with her. He indicated that the accusers were the same patients that she saw, but he told the Committee, "I really don't know why." Mr. Jadoo said, "I want to be truthful, honest, and speak straight from the heart."

Mr. Jadoo said that most of his patients at Elmhurst Hospital were Spanish speaking and he did not speak or understand that language. He said the hospital clinics were busy and it was difficult to get chaperones and translators who could explain to the patients "what you were doing." He told the Committee, "I think this is what started the problem." Mr. Jadoo stated that he performed both OB and GYN examinations, but the complaints came only from the obstetrics patients. He said, "I think I was performing the exams correctly," and indicated that the Department of Health did not find him guilty of sexual misconduct. He reported that there were no complaints from his English-speaking patients. Mr. Jadoo told the Committee that he felt his inability to communicate and his method of doing the examinations led to the sexual misconduct charges. He indicated that he used the same examination methods for all his patients, but not all complained. The Committee asked Mr. Jadoo why five women thought something horrible was happening to them and if he thought any harm was caused by him. He responded, "I'm sure they went through a lot of pain and suffering - like I did." He said that he now understands that if he were in their place, he would probably have felt violated. He stated, "I feel bad for them." Mr. Jadoo told the Committee that after the examinations, an interpreter would often explain what occurred, but that he wasn't sure what was said to them. The Committee asked if he was aware if any lawsuits were filed against the supervising physician or the hospital. He responded that he was unaware of any but his supervising physician left at about the same time as he did.

Mr. Jadoo indicated that he felt the conditions of probation recommended by the Peer Committee would seriously affect his getting a job. He said, "I think I've suffered enough. I've disgraced my profession. I can't change what I've done, but I can change what I can do in the future." He indicated that he could work in the same type of environment as previously because "I've done nothing wrong." He said that if the patients were Spanish-speaking, he would learn the language. Additionally, he said that he would always have a chaperone present and that he has learned very well from his experience. The Committee asked why he felt his license was revoked. Mr. Jadoo replied, "Honestly, I think they revoked my license because of the lying episodes. I think they thought I couldn't be trusted." He indicated that he thought the penalty was harsh although he said that he should have definitely been disciplined.

The Committee asked if there was anything else he would like to tell them. He

said, "I would like to apologize to the patients who thought I sexually abused them." He indicated that he had just graduated from his educational program and was trying to make his examinations as complete as possible and was "trying to not miss anything." He stated that he now realizes that it was probably hard for his patients to understand fully what he was doing and why he was doing it. He said that were his license restored he would always make sure that a female chaperone was in the examining room and, whenever possible, would try to arrange it so that a patient would always see the same person. Mr. Jadoo indicated that he would be much more careful in everything he did.

Following the meeting, the Committee received a letter, dated September 10, 1998, from Mr. Jadoo and a letter of recommendation, dated October 13, 1998, from Anthony Radi, a physician assistant who was (and still is) employed at Elmhurst Hospital and worked with Mr. Jadoo. These two documents were considered by the Committee in their deliberations.

After extensive discussion with the applicant, two members of the Committee on the Professions (COP) find that they are constrained by the finding of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, specifically, that petitioner was not guilty of sexual misconduct. Accordingly, the majority will address only the issue of the applicant's untruthfulness on various applications. The majority finds that Mr. Jadoo made a compelling case for the restoration of his license; the minority member does not. The majority concurs with the determination of the Peer Committee that Mr. Jadoo "is sorry for falsifying his application, accepts responsibility for his actions and truly understands the root causes of his wrongdoing." The majority believes that he has demonstrated remorse for having lied on his applications for employment and licensure and understands the ramifications of not being truthful. While not condoning his deceptive actions, the majority notes that the misconduct occurred while he was a novice in the profession and concerned about providing for his family as a new professional. The majority agrees with the Peer Panel that Mr. Jadoo "would never make<sup>4</sup> the same mistake again. We believe him when he says that he will tell the truth and accept whatever consequences come along." The majority notes that Mr. Jadoo was truthful and open to his employers at Empire HIP Center about the alleged sexual misconduct charges after the investigator appeared at the facility and he worked there with no further complaints. The majority relies on the determination of the Peer Committee that Mr. Jadoo is sufficiently reeducated to resume practice and also notes that Mr. Jadoo had his license ~~revoked~~ for failure to tell the truth which, while serious, might not ordinarily result in ~~revocation~~. The majority concurs with the Peer Committee that Mr. Jadoo's reentry into the profession should be gradual and supervised during a two-year probationary period.

The COP member voting in the minority notes that restoration of a license is not an automatic right and should only be granted in exceptional cases based upon documentation of merit. The dissenting member does not believe that Mr. Jadoo presented a compelling case for restoration of his physician assistant license and



believes that the restoration should be denied. While the two other members of the COP indicated that they were constrained by the findings of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, Mr. Jadoo mentioned these accusations during the COP meeting and his rationale for their occurrence. It was not the opinion of the minority COP member that Mr. Jadoo was honest when he simply blamed the patients' belief of sexual assault on the fact that the women could not speak English and, therefore, misunderstood his treatment, (especially, when the 60-year-old woman who complained of sexual abuse after receiving a pelvic exam for an ankle injury spoke English) nor was he honest with the reasons for hiding this information from future employers while continuing to perform GYN exams. If one limits one's thinking strictly to the Administrative Review Board, in its decision to revoke Mr. Jadoo's license, the Board wrote, "The repeated nature of the Respondent's misconduct demonstrates that the Respondent lacks the integrity to practice as a Physician's Assistant."

Similarly, the minority notes that the Department of Health (September 2, 1997) strongly opposes the restoration of Mr. Jadoo's license and states, "Mr. Jadoo's petition exhibits continued dishonesty through untruthful and misleading statements. He incorrectly states that he was 'completely absolved of the charges of professional misconduct,' and fails to note the exact nature of the charges against him. The ARB determined that Mr. Jadoo is incapable of rehabilitation and there is nothing of significance in his petition to overturn their decision." The record shows that he intentionally stated false reasons for his termination from Elmhurst Hospital to Mitchell/Martin Recruitment Agency, and intentionally, with the intent to deceive, failed to include his employment with Elmhurst Hospital on applications for employment with the Executive Health Group and Brooklyn Medical Group HIP Center. Although the charges of sexual misconduct were not sustained, the record shows that Elmhurst Hospital terminated Mr. Jadoo's employment after the hospital's investigation had established documentation from a number of patients supporting allegations that he had committed professional misconduct. Additionally, the minority member of COP notes that the Office of Professional Medical Conduct Hearing Committee found that Mr. Jadoo was not credible in his testimony concerning a 60-year old patient complaining of an ankle injury. Although Mr. Jadoo denied that he had placed his fingers into the patient's vagina while examining her, the Hearing Committee found that Mr. Jadoo did place his fingers in the patient's vagina. The minority notes that Mr. Jadoo continues to deny such action, indicating now that his fingers might have slipped during the examination. The dissenting member finds that Mr. Jadoo did not present convincing arguments to eradicate the lingering doubts regarding his integrity and honesty - the basis for his revocation. Therefore, the minority voted to deny Mr. Jadoo's application for restoration at this time.

Therefore, after a complete review of the record and its interview with him, the Committee on the Professions voted by a vote of two to one to recommend to the Board of Regents that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for three years under the terms and conditions of probation attached to the

Report of the Peer Committee and labeled as Exhibit "A."

**Action of the Board of Regents.** On April 27, 1999, the Board of Regents voted to **remand** Mr. Jadoo's petition for restoration to the original Peer Committee for further proceedings, or to a newly constituted committee if the original Peer Committee could not be reconvened, to consider Mr. Jadoo's admission that he was not adequately supervised and that his education, skills, and examination methods, including vaginal examinations, may not have been at a level high enough for a new practitioner and to conduct such review as may be necessary to reassess his current competency and to make specific recommendations to ensure that the public would not be in danger were Mr. Jadoo's license restored.

**Recommendation of the Peer Committee Upon Remand.** (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jr.; Jordan; Conner) reconvened and met with Mr. Jadoo on July 23, 1999. The Committee received documentation from Mr. Jadoo indicating that he was certified by the National Commission on Certification of Physician Assistants on June 1, 1996 and that his certification is current. The Committee also received documentation indicating that Mr. Jadoo took and received credit for more than 300 hours of continuing medical education. The Peer Committee stressed that in order to become nationally certified, Mr. Jadoo had to pass a "comprehensive National Certifying Examination" and pointed out that Mr. Jadoo continues to maintain certification - - an indication, it felt, of current competency. Even though the Committee noted that during Mr. Jadoo's rotation at Elmhurst Hospital he was found to be "extremely clinically competent" and able to "perform appropriate examinations," it stressed that it was evaluating his current, rather than his past, competency. The Committee also found that Mr. Jadoo recently attended the national conference of the American Academy of Physician's Assistants. In Mr. Jadoo's current position as a laboratory technologist at Kingsbrook Medical Center, he demonstrated to the Committee that he attends medical lectures and training courses, and observes grand rounds. He also told the Committee that he teaches incoming students and assists them when they finish a rotation. Based on this information, the Committee unanimously concluded that he was currently competent to practice. Additionally, the Committee stated, "We unanimously find the applicant has demonstrated that he has sufficient moral character to be worthy of restoration at this time; and that he currently possesses sufficient skills to practice his profession safely." The Committee voted unanimously to recommend that the revocation of Mr. Jadoo's physician assistant license be stayed and that he be placed on probation for one year under specified terms and conditions.

**Recommendation of the Committee on the Professions Upon Remand.** On May 24, 2000, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) reconvened to consider Mr. Jadoo's restoration application and the information provided by the Peer Committee from its review upon remand. Prior to the meeting, the Committee on the Professions (COP) shared with the Department of Health (DOH) the action by the Board of Regents and the reports of the COP and the Peer

Committee and requested and received an updated recommendation . A copy of the DOH recommendation was sent to Mr. Jadoo.

The COP asked Mr. Jadoo if he understood the Board of Regents action to remand his application so that it could have a greater degree of assurance regarding his current competency to practice. Mr. Jadoo told the COP that he understood. When asked for his reaction to the second recommendation of DOH, Mr. Jadoo stated, "They said that I shouldn't be trusted. But, that's all in the past. I understand what I did in the past was wrong. I really regret it and I still do." Mr. Jadoo also told the COP that he felt that the Department of Health didn't believe what he was now saying and felt that if he could talk to them in person, he could get them to understand the sincerity of his remorse. Additionally, he indicated that he felt that he could convince DOH that he truly understands how his behavior was harmful and would assure them that it wouldn't occur again.

The COP asked Mr. Jadoo to consider how difficult it is to measure morals and integrity and to explain to the Committee what has changed in his life that demonstrates that he is no longer dishonest, as demonstrated by his past actions. Mr. Jadoo said, "When I get back to work, I'll do my best. I'll tell a new employer everything that happened. I'll be very careful. I'll work under supervision. I'll ask a lot of questions. I'll get a second opinion. I'll be honest about everything I do." He told the COP, "I've been honest since this happened. I'm more forthcoming in everything I do." When the COP asked him if anything changed, he stated, "I lost my character - which is very important. I lost everything since this happened. I lost the trust from the public, my employers, and the Education Department."

Mr. Jadoo told the COP, "It's too much. I've lost everything. If I'd told the truth from day one, they probably would have given me the job for being honest. This is what happens when you're dishonest. I should have told the truth." He said that if you're dishonest, "somewhere along the line it will catch up to you."

The COP asked him what he was doing currently. He stated that he is a laboratory technician. He reported that he told his employer what happened and that the hospital still employed him part-time for 2-3 days per week. The COP asked him what he planned to do were he to receive his license back. Mr. Jadoo stated that he wouldn't work in an environment that was as hectic or unstructured as when he worked at ~~St. Joseph's~~ Hospital. He said that he planned to make sure he has adequate supervision. He told the COP that he was just out of school when he began working at the Hospital, and he was eager to work. He said he just wanted a job and even though he felt things weren't going very well and he was unable to confer with doctors when needed, he didn't want to quit for fear of a "bad reference." Mr. Jadoo stated that that would never happen again. In closing, he told the COP, "I'm very sorry that I embarrassed the State, the public and myself. I am truly sorry. If you give me one more chance, this will never happen again." Mr. Jadoo gave an example of what he considered an "ultimate loss" due to his past behavior - his inability to bring his mother to America before she died. He said that he knew that his past behavior

stopped him from having the ability to accomplish his personal goals in life and he was truly sorry for all that he had done. Mr. Jadoo told the COP that he was sure that he would never commit the same mistakes again.

The main issue regarding the remand from the Board of Regents is Mr. Jadoo's competency to practice the profession safely. The Peer Committee provided an extensive review and evaluation in its report describing the current level of Mr. Jadoo's competency as a physician assistant and the COP accepts the Peer Committee expertise and recommendation that Mr. Jadoo has a sufficient level of competency to practice safely at this time.

The COP found Mr. Jadoo's statements at the meeting to be credible and sincere. The COP and Peer Committee believe that Mr. Jadoo has presented compelling evidence and demonstrated that he was clearly remorseful and understood the gravity of his previous actions. Both the COP and the Peer Committee believe that Mr. Jadoo has learned from his past mistakes and such dishonesty and fraudulent behavior will not recur in the future. The record shows that Mr. Jadoo has told two employers the truth regarding his employment background and disciplinary standing.

Therefore, after a complete review of the record and its second interview with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for one year under the terms and conditions of probation attached to the Report of the Peer Committee and labeled as Exhibit "A."

Johanna Duncan-Poitier, Chair

Kathy Ahearn

Frank Muñoz

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*The University of the State of New York*

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

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In the Matter of the Application of

MACLEAN JADOO

REPORT OF  
THE PEER  
COMMITTEE  
CAL. NO. 17065

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

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On or about February 1, 1994, the New York State Education Department issued the applicant, Maclean Jadoo, license No. 004700, authorizing him to practice as a physician's assistant. This New York State license was revoked by the Administrative Review Board of the New York State Department of Health, effective July 24, 1995, based upon fraud committed by the applicant in applying for professional employment. On March 15, 1997, the applicant submitted an application for the restoration of his license. This application was previously reviewed by this panel, the Committee on the Professions, and the Board of Regents. Upon the April 27, 1999 determination of the Board of Regents remanding this matter to us, this application is again before this panel.

PROFESSIONAL MISCONDUCT

The applicant applied for employment as a physician's assistant following the termination of his employment at Elmhurst Hospital in May 1994. All of the applicant's misconduct arose from his applying for employment as a physician's assistant at two facilities. He committed six separate acts of fraud in obtaining professional employment at both of these facilities.

Before commencing employment at one facility in May 1994, the applicant intentionally orally stated a false reason for his having been terminated from employment at Elmhurst Hospital. His second fraudulent act regarding this facility related to his intentionally failing to include, on an application for employment in May 1994, his prior employment as a physician's assistant at Elmhurst Hospital and the reason for the termination of that employment.

At the second facility, the applicant committed four further acts of fraud involving his failing to disclose his employment with Elmhurst Hospital. In May 1994, the applicant intentionally failed to mention, on an application for employment, and to include, on a C.V. he submitted as part of the employment application process, his prior employment as a physician's assistant at Elmhurst Hospital. Also in May 1994, the applicant intentionally orally informed a human resources administrator that he had no previous experience working as a physician's assistant

MACLEAN JADOO (17065)

when he knew that information to be false. Lastly, in August 1994, he intentionally orally informed a human resources administrator that his only previous employment experience as a physician's assistant had been on a per diem basis through an employment agency when he knew that information to be false.

After a hearing was held before a hearing committee from the Health Department's State Board for Professional Medical Conduct and a review was conducted by the Health Department's Administrative Review Board, the applicant was found guilty to the extent of the fraud alleged in two specifications of the charges (the sixth specification related to one facility and the seventh specification related to the other facility). As the penalty for this fraud in applying for employment at two facilities, the applicant's license to practice as a physician's assistant was revoked by the New York State Health Department.

#### OTHER ASPECTS OF DISCIPLINARY DETERMINATION

By a Statement of Charges dated October 20, 1994, the applicant was charged with committing 17 specifications of professional misconduct. These charges involved seven specifications of fraud, five specifications of moral unfitness, and five specifications of willfully abusing a patient. He was found guilty, as above described, as to two of the specifications of fraud and not guilty as to each of the charges in the remaining 15 specifications. The hearing committee concluded that the



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applicant's examinations of the five patients referred to in the charges were performed for legitimate medical purposes and not for any immoral, prurient or sexual purpose. Thus, none of the charges of moral unfitness and willfully abusing a patient were sustained and the applicant was fully exonerated of those charges. The applicant has not been found guilty of committing any misconduct regarding any patients or the care that he rendered to his patients. Moreover, he was found not guilty as to five other specifications of fraudulent practice.

The hearing committee's report includes findings of fact about the applicant's background. The hearing committee found that the applicant, in 1991, was awarded a Union scholarship that was the first of its kind. He was accepted into and completed a three year Physician Assistant Program through Harlem Hospital. During the course of his training, the applicant performed a three month rotation at Rikers Island, working six weeks with HIV positive patients and an additional six weeks with primary care patients. He also performed a rotation at Elmhurst Hospital during this program. Elmhurst Hospital was impressed with the applicant and asked him to work in their OB/GYN clinic after he graduated. When the applicant began working for Elmhurst Hospital in November 1993, he was the first physician's assistant to be hired straight from school and he was assigned, without formal training, to their OB/GYN Department.

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Upon the request by the prosecution (petitioner in the disciplinary proceeding) for a review of the hearing committee's decision, the Administrative Review Board upheld each of the hearing committee's findings of fact and sustained each of the hearing committee's determinations as to the charges. In reaching this decision, the Administrative Review Board expressly accepted the hearing committee's findings and determination that the applicant's examinations in five patient cases were for legitimate medical purposes. However, it overturned the hearing committee's penalty of a fully stayed three-year suspension with three years of probation, and revoked the applicant's license. The Administrative Review Board found the hearing committee's penalty to be "not consistent with the Committee's finding" that the applicant had "repeatedly misstated or concealed facts concerning his prior employment in applications for employment as a Physician Assistant." Revocation was found to be the appropriate penalty in view of the repeated nature of the applicant's false statements in applying to obtain employment as a physician's assistant. In imposing this penalty on the basis of the record at that time, the Administrative Review Board explained that the applicant demonstrated by this misconduct, that he lacked "the integrity to practice as a Physician's Assistant." The Administrative Review Board did not base its penalty determination on any of the charges that were not sustained.

APPLICATION FOR RESTORATION

On March 15, 1997, the applicant signed and subsequently submitted an application to restore his license to practice as a physician's assistant in the State of New York. His application delineates the grounds for restoring his license. The applicant states that he wishes to serve the public and return to the profession he loves.

The application for restoration sets forth the applicant's belief that he will now be a credit to his patients and an asset to his profession and community. He states that he strives to make his patients and profession proud of him. The applicant promises his misconduct will "never" recur and that the public will not be harmed if he is re-licensed to practice his profession.

The applicant writes, in his application, that he has utilized the time since his revocation to "seek aid to grow and mature" and to channel his energies and effort towards education, training and improving his skills toward becoming a better physician's assistant. The application shows that the applicant has evolved since the time of his revocation and improved himself in many ways. The applicant claims that he has been rehabilitated and is dedicated to his profession and devoted to his family.

In his application, the applicant declares his remorse for his prior misconduct. He apologizes for this conduct and asserts that he is "extremely remorseful and regretful" for his past

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shortcomings. The applicant indicates that he has learned from this experience that full and total disclosure is "essential". His application explains that the ordeal he has suffered has "strengthened" his character, provided him with "new insight", and fostered "growth as a person and as a Physicians Assistant". The applicant recognizes that he must be "a man of principle, integrity, and character" before he can gain re-admission into the profession and professes that he is fully committed to these principles. The applicant believes that he will be a "valued member of the profession".

The application shows that the applicant has received support in his efforts to improve himself both personally and professionally. According to the application, he has been encouraged by his family, former patients, and other physician's assistants.

The applicant claims that he has demonstrated his current ability and competence. The application reflects that these efforts were undertaken by attending conferences, reading journals, and being immersed in self-study programs in all areas of medicine. His application sets forth the medical journals he has consistently read and reviewed. The applicant states his belief that he has "sufficiently honed, developed and perfected" his skills and medical acumen. Therefore, he requests to be permitted to "move forward" with his life and serve the public as

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a competent, "sincere, caring, and compassionate" physician's assistant.

DOCUMENTS IN SUPPORT OF APPLICATION

Along with his application, the applicant submitted five affidavits recommending that his license to practice as a physician's assistant in New York State be restored. Each of these affidavits was accompanied by letters expressing support and high regard for the applicant in this effort. One such affiant, the Director of Clinical Pathology at Beth Israel Medical Center, attests to the applicant's "good moral character". This Director wrote that, in the past one and one-half years, he found the applicant to be "honest, hardworking and intelligent" and his quality of work to be "outstanding". In his opinion, the applicant would be "an asset" to the profession."

Three physician's assistants who have known the applicant both before and after his misconduct also supported the application for the restoration of the applicant's license. These supporting affidavits show that the applicant would "play a positive and significant role" in the profession if he were re-licensed. Significantly, the applicant's supervisor during his rotations at Elmhurst Hospital believes that the applicant is of "good moral character." He described the applicant as a "hardworking, intelligent, and conscientious" physician's assistant who is "competent and exemplary". Similarly, another

physician's assistant finds the applicant to be "competent, caring, and ethical." The third physician's assistant knew the applicant as a student rotating through a hospital Long Term Care Department and found him to be "pleasant, thorough and related well with the patients and staff." In recommending the granting of the restoration application, this physician's assistant concludes that the applicant has placed "behind him" the experience that resulted in the revocation of his license.

The materials in support of the application include a letter from a Chief of a Hospital Biochemistry Laboratory who supervised the applicant before he became a physician's assistant. This supervisor reported that the applicant "has shown an eagerness to learn" and an openness and concern for others". She also found that the applicant conducted himself, throughout his employment, "in an exemplary and professional manner". Based upon her long-term knowledge of the applicant, this supervisor considers him to be "an ethical and moral person" who, if given the opportunity to practice his profession, "will be an asset to the medical profession."

The applicant also submitted along with his application a detailed list of the continuing education credits he received subsequent to the revocation of his license. In 1995, the applicant took 36 courses sponsored by the American Academy for Physician Assistants. These courses covered a broad array of medical subjects. In 1997, the applicant obtained extensive

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continuing education and received credits in 32 courses. Furthermore, a continuing medical education report dated August 15, 1997 shows that the applicant had logged 191 hours of credit for the then registration period, consisting of 54 Category I and 137 Category II credits.

An investigator for the State Education Department reported that "the applicant has made substantial efforts to keep abreast of the profession." This report stated that the applicant "does much reading" of professional journals and professional books. It listed several of these journals and confirmed that the applicant presented issues of these journals bearing subscription labels.

#### SIGNIFICANT PROCEDURAL HISTORY

This panel previously considered the application for restoration now before us and other materials of record, met on March 13, 1998, received testimony, and heard from both the Office of Professional Discipline<sup>1</sup> and the applicant regarding this application. In that review, we found that the applicant has learned his lesson, is sorry for falsifying his application, accepts responsibility for his actions and truly understands the root causes of his wrongdoing. We also found that his misconduct would never recur. In light of our conclusion that the applicant demonstrated that he is entitled to restoration of his license, we

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<sup>1</sup> The Office of Professional Discipline did not take any position in this matter.

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unanimously recommended that the revocation of his license be stayed, his license be restored, and he be placed on probation for a period of two years in a supervised setting.

Our recommendation was reviewed, in turn, by the Committee on the Professions and the Board of Regents. After a recommendation was issued by the Committee on the Professions, the Board of Regents voted to remand the application to us for further proceedings, consideration of the application, and a report in accordance with its determination. This April 27, 1999 determination specifically directs us to: (1) consider the applicant's "admission that he was not adequately supervised and that his education, skills, and examination methods, including vaginal examinations, may not have been at a level high enough for a new practitioner"; (2) conduct such review as may be necessary to reassess the applicant's "current competency"; and (3) make specific recommendations as to whether "the public would not be in danger" were the applicant's license restored.

#### PANEL MEETING

On July 23, 1999, this panel met to consider the instant restoration application and the evidence submitted and positions asserted by the parties. The applicant appeared in person and was represented by his attorney Nathan L. Dembin, Esq. The Office of Professional Discipline was represented by George Ding, Esq.

Prior to our meeting, a copy of the entire record existing to that point was provided to each panel member. The record included



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the decision and other papers from the disciplinary proceeding resulting in the revocation of the applicant's license, the application to restore the applicant's license along with various supporting papers, the inspection reports prepared prior to the original meeting of this panel, the transcript from the prior meeting of this panel, two letters received and considered by the Committee on the Professions during its review, and the decisions previously rendered in this proceeding, including the determination and Order of the Board of Regents. Neither party objected to our receipt or consideration of anything in the present record.

At our meeting, both parties were afforded an opportunity to address and respond to each of the issues framed by the Board of Regents for our review and to present any evidence, information, and arguments pertinent to this restoration proceeding. On July 23, 1999, the applicant submitted and we received various documentary evidence. The new documentary evidence shows that the applicant was certified by the National Commission on Certification of Physician Assistants, on June 1, 1996, as having successfully completed the "Physician Assistant National Certifying Examination" and as having been designated a "Physician Assistant - Certified". Further documentation was received to show that the National Commission on Certification of Physician Assistants, on May 14, 1998, has recertified the applicant and that he has successfully completed all requirements to maintain his certification as a Physician Assistant. This new evidence also shows, among other things, that the applicant

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has continued, subsequent to our prior meeting, to take and receive credits for continuing medical education on various occasions. The Office of Professional Discipline did not submit any evidence at our meeting.

Also at our meeting, the applicant testified on his own behalf and produced a witness in support of the application. The panel also posed questions to both the applicant and his witness. The Office of Professional Discipline did not produce any witnesses in this proceeding.

Preliminarily, one contention by the applicant need not detain us. At our meeting, the applicant contended that the decision of the Board of Regents to remand this matter was illegal, without authority, inappropriate, and an abuse of discretion. It is not our province to review the propriety of the decisions of the Board of Regents. While the applicant has preserved his objections, this issue must be raised before the Board of Regents and on any possible appeal. We will proceed to follow the directions of the Board of Regents for this remand.

The issues to be reviewed on this remand were delineated by the vote of the Board of Regents. In accordance with that vote, we have received, reviewed, and considered the entire record compiled both pre and post-remand.

#### THE APPLICANT'S CURRENT COMPETENCY

We reject the applicant's assertion that the competency of the applicant is not in issue, in any respect, in this proceeding. A

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restoration proceeding requires the balanced evaluation of the factors of the gravity of the offense, the applicant's rehabilitation, risk of harm to the public, and professional competence. Matter of Melone v. State of New York Education Department, 182 A.D.2d 875 (3rd Dept. 1992); and Viloria v. Sobol, 192 A.D.2d 969 (3rd Dept. 1993). The specific issue presented in a restoration proceeding relates to whether the applicant is currently competent to practice the profession. Greenberg v. Board of Regents of University of State of N.Y., 176 A.D.2d 1168 (3rd Dept. 1991). Current competence must be assessed before a license may be restored at this time. See, Jain v. Sobol, 199 A.D.2d 934 (3rd Dept. 1993).

The Board of Regents expressly directed a reassessment of the applicant's "current competency" to practice as a physician's assistant in New York State. Accordingly, the first Melone factor to be addressed in this matter is the applicant's current competency to practice his profession at this time if his license were restored.

As the applicant asserts, no charges of incompetence were ever brought against him and all the charges that were brought regarding his conduct in treating patients have been dismissed. The established professional misconduct and the resulting penalty were instead based solely upon his failing to disclose and concealing his prior employment in applying for new employment. In the absence of any charges as to the applicant's competence when he treated either

the patients involved in the disciplinary proceeding or the many other patients he treated while he was licensed, the Health Department did not adjudicate and determine that there was any deficiency in the applicant's basic competency or in the treatment that he rendered to his patients. Questions solely regarding the applicant's competency at the past time that he rendered care to his patients who were the subject of the disciplinary proceeding, as opposed to questions regarding his current competency, are not before us in this restoration proceeding. See, pages 25-25 infra.

The applicant stands before us as presently certified by the National Commission on Certification of Physician Assistants. To obtain this certification, the applicant successfully passed the comprehensive National Certifying Examination for physician's assistants. After his license was revoked, the applicant has continued to maintain this certification. He was recertified by this Commission in 1998. To obtain this recertification, the applicant successfully completed all requirements for maintaining his certification as a Physician Assistant. He remains certified through June 1, 2000. This current certification is one indicia of his competency as a physician's assistant.

The Office of Professional Discipline did not offer any evidence at our meeting on remand and did not offer any new evidence in this proceeding to supplement or challenge the packet originally submitted to us concerning the applicant's application. Therefore, it did not produce any witnesses or other evidence regarding the

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applicant's competency at this time. On the other hand, the applicant offered various persuasive and credible evidence to demonstrate that he is currently competent to be a physician's assistant.

The applicant was awarded a scholarship to study becoming a physician's assistant. During his rotation at Elmhurst Hospital, the applicant was found to be "extremely clinically competent." Elmhurst Hospital was so impressed with the applicant that it chose him as the first physician's assistant to be hired straight from school. The applicant was hired because the Hospital believed that he was capable of quickly handling a high patient load.

The applicant's supervisor at Elmhurst Hospital observed his performance of professional responsibilities and knew the quality of his work, including his "fine" performance of vaginal and pelvic examinations. The record shows that, from October 1993 to May 1994, the applicant examined three to four thousand patients in the GYN clinic and a lesser number of patients in the OB clinic at Elmhurst Hospital. The attending physicians, senior physician's assistants, and nurses at Elmhurst Hospital regarded the applicant as a "very competent individual" over this eight-month period. Before he successfully passed his probationary period, he was evaluated and found by the Hospital to be able to perform appropriate examinations. The applicant was considered by his supervisor to have an "excellent knowledge" of his area of practice and to be an "excellent" practitioner.

Furthermore, the applicant is "current" on his continuing medical education. Although the applicant did not know that the Board of Regents would later remand this matter for further consideration, he continued, regularly and on his own, to take continuing medical education. Shortly before our meeting this year, he attended the national medical conference held in Atlanta by American Academy of Physician's Assistants. Last year, he attended the national conference held by that Academy in Minnesota. At these weeklong conferences held from 6:30 a.m. until 8:00 p.m. each day, the applicant took different courses covering new trends in medicine, diabetes, hypertension, and GYN examinations. In view of the applicant's practice of staying up-to-date with changes in the profession and his "more than adequate" continuing education as a physician's assistant, the applicant's supervisor at Elmhurst Hospital concluded that the applicant is presently prepared to resume practicing his profession.

At the time of our meeting, the applicant was employed at Kingsbrook Medical Center's Biochemistry Division as a Laboratory Technologist. This hospital setting affords him a first-hand opportunity to both learn from and teach others. At the hospital, he is in contact with physicians, asks them medical questions, attends lectures and trainings, and observes grand rounds. He teaches incoming students and assists them when they finish a rotation.

The record shows that the applicant received almost 200 continuing medical education credits from 1996 to 1998. Another more than 100 continuing medical education credits have been earned recently. To prepare for his recertification in 2000, he continues his study of medicine and reading of various journals. The documentary evidence submitted by the applicant shows that he has taken a good variety of courses to keep him abreast of current issues in medicine.

Subsequent to his termination from Elmhurst Hospital, the applicant was employed as a physician's assistant at a Hospital and a HIP Center. He gained further experience treating patients at both of these facilities. We unanimously conclude that the applicant is ready to use and sharpen his skills in practicing the profession. Moreover, he was put to the test when an investigator inquired about his past employment. The applicant learned from his past experience and disclosed his entire history. The applicant's case was presented to the board at the HIP Center and he was given a permanent position there, even though they knew about his history. This decision by the HIP Center attests to the applicant's having demonstrated his abilities to serve as a physician's assistant and to his having earned their trust to act with honesty in treating their patients and discharging his duties.

The affiants who submitted affidavits in support of the applicant also believe in his competency to practice the

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profession. They know his past history and nevertheless, believing that he will be an asset to the profession, strongly urge this agency to restore his license immediately. Other evidence also reveals that the applicant is regarded by those who know him as being very dedicated to his patients and a caring and compassionate person. Due to his love of medicine, the applicant wants to resume practicing as a physician's assistant and is willing to accept employment in any area of medicine open to him.

At our original meeting, the applicant's attorney contended that no genuine issue was presented regarding the applicant's competence in view of the strong evidence that was supplied by the applicant and unopposed by the Office of Professional Discipline. In our original decision, we indicated that the applicant had "done all he could" in obtaining re-education. We also described the applicant's employment and educational background in assessing the application.

We should have made the explicit finding, in our original report, that the applicant is currently competent to practice as a physician's assistant in New York State, and unanimously do so now in this report. The unrebutted evidence of the applicant's current competency is even more compelling now based on the additional evidence presented by the applicant.

**NO RISK OF HARM TO THE PUBLIC**

The penalty of revocation was imposed on the applicant because his fraudulent conduct in 1994 demonstrated that he could



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not be trusted, at that time, to practice his profession with integrity. The applicant must prove that he now possesses the moral character to practice as an ethical physician's assistant. Having carefully considered the entire record and the questions raised by the Board of Regents on remand, we have fully assessed the factor concerning whether the applicant presents any danger to the public were his license restored. In our unanimous opinion, based upon our taking a fresh view of the record, no risk of harm to the public is posed by the re-licensure of the applicant.

The record shows that, at this time, the applicant is honest and is considered, at his current employment, to be "an ethical and moral person". Throughout his employment at Kingsbrook Medical Center, the applicant has been found to have conducted himself "in an exemplary and professional manner". Individuals who know his past history and understand the behavior required of a physician's assistant have encouraged the applicant to return to the practice of the profession. These individuals not only believe that he will be a caring and dedicated practitioner, but also will not present a danger that he would harm anyone. The applicant is aware that, in view of the his past professional misconduct, he will be subject to scrutiny and his employer will want to be satisfied that the applicant is continuing to abide by all requirements and standards.

Moreover, the applicant has sincerely promised both that his misconduct will never recur and that the public will never be

harmful by him. Inasmuch as the Office of Professional Discipline did not present a case of its own or produce any evidence at our meeting on remand, we have not been given any reason to doubt that the applicant, as he represents, will strive to make his patients and profession proud of him and will assure that he would not commit any further misconduct.

In reaching the conclusion that the applicant does not pose any risk of harm to the public, we have also considered his remorse and rehabilitation. We found the applicant to be remorseful at our meeting last year and, having observed his demeanor in testifying at our meeting upon remand, again find his claims of being remorseful to be credible. We adhere to the view, expressed in our prior report, that the applicant accepts responsibility for his misconduct and "truly understands the root causes of his wrongdoing." He recognizes that he must always be truthful and, in the future, would not commit any conduct that would jeopardize his license again. During the around four years since the revocation of his license, the applicant has exhibited personal growth and has learned his lesson. In our unanimous opinion, the applicant has rehabilitated himself from the misconduct he committed in 1994. He now knows that his supervisors, peers, and others who have supported him are aware of his past conduct and that he must constantly demonstrate through his actions that he is worthy of their support.

We note that the Board of Regents did not raise any question concerning, and did not direct any further review be made regarding, our findings that the applicant is remorseful, has learned his lesson, has accepted responsibility for his misconduct, and truly understands the root causes of his wrongdoing. As stated by the attorney for the Office of Professional Discipline, the focus of this remand is on those issues raised by the Board of Regents and not on the already decided issues of remorse and rehabilitation. Moreover, the determination by the Board of Regents neither disagrees with our further finding that the misconduct committed by the applicant would never recur nor directs reconsideration of such finding.

In Morrissey v. State Education Department, 246 A.D.2d 817 (3rd Dept. 1998), the Court held that the Committee on the Professions recognized that the decision whether to restore the license, in that proceeding, depended on an assessment of whether the applicant had sufficient character to be worthy of restoration, and not whether he possessed sufficient technical skill when he was a surgeon. Similarly, in this matter, we unanimously find the applicant has demonstrated that he has sufficient moral character to be worthy of restoration at this time; and that he currently possesses sufficient skills to practice his profession safely. Having continued his education on his own, he can only improve these skills by returning to the profession and gaining further professional experience.

ADMISSION BY THE APPLICANT

The ultimate issue in a restoration proceeding is whether restoration of the applicant's license is warranted at this time. In this proceeding, we have reviewed whether the applicant has rehabilitated himself subsequent to the revocation of his license, and have found that he has met each of the requirements for being re-licensed at this time. As the Board of Regents directed in 1999, we have assessed the applicant's current competency and the present effect his practice would have on the public if he were re-licensed.

In contrast, the applicant's license was revoked based upon the circumstances that existed years ago at the time of the disciplinary proceeding. The applicant's license was revoked in June 1995 based upon the final determination rendered by the Health Department's Administrative Review Board. In that disciplinary proceeding, the charges of professional misconduct brought against the applicant were adjudicated, and resolved. Accordingly, the applicant was found not guilty of each of the charges that he committed professional misconduct concerning the treatment he provided to five patients in 1994.

Nevertheless, the hearing committee, which found the applicant not guilty of each of the charges involving his patients, issued general findings of fact regarding the applicant's background and Elmhurst Hospital. These findings show that before the applicant was licensed in February 1994, he began

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working at Elmhurst Hospital in 1993. They also discuss the applicant's pre-licensure training by performing a rotation at Elmhurst Hospital and the conditions present at the Hospital when he worked there post-licensure. The hearing committee, in dismissing the moral unfitness and wilfully abusing patient charges, added the conclusion that those charges arose from difficulties that existed at the Hospital with the applicant's supervision, skill, and experience.

The hearing committee found, in favor of the applicant, that circumstances existed in mitigation of the penalty to be imposed upon him. Based upon this finding, the hearing committee imposed a fully stayed suspension and not a revocation as the penalty to be served by the applicant. As argued by the applicant's attorney, the findings of the hearing committee must be understood in context. They were separate from those findings that supported the determination that the applicant was not guilty regarding his conduct in the five patient cases. It must be remembered that the Health Department investigated the applicant's treatment in various patient cases and did not charge him with or find him guilty of any incompetence or practicing without adequate supervision. If the view of the hearing committee were accepted and only a fully stayed suspension were imposed, the applicant would be permitted to practice as a physician's assistant without any interruption, notwithstanding the hearing committee's critical remarks.

As decided by the Health Department's Appellate Review Board that rejected the penalty imposed by the hearing committee, it was improper for the hearing committee to consider the charges for which the applicant was found not guilty. The penalty was instead assessed solely upon the separate fraud charges upon which he was found guilty.<sup>2</sup>

The hearing committee's view, findings, and conclusion in support of its decision as to the penalty to be imposed were not accepted by the Appellate Review Board. In its determination, the Appellate Review Board did not find that the applicant was lacking in his skills, experience, or the supervision that he received and did not allude to or rely upon the circumstances concerning the applicant's background and arising at Elmhurst Hospital. The applicant was unsuccessful in challenging this determination in an Article 78 proceeding filed in court. The Appellate Division, Third Department, confirmed the determination of the Appellate Review Board and held that revocation of the applicant's license was appropriate based upon the fraud committed by the applicant, even though he had a general reputation as being an honest, hardworking and, in most respects, skilled practitioner. Jadoo v. De Buono, 235 A.D.2d 644 (3rd Dept. 1997). We are bound to accept the confirmed final determination of the Health Department in the

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<sup>2</sup> The final decision indeed reflects that the examinations conducted by the applicant, in the relevant patient cases, were performed for legitimate medical purposes.

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disciplinary proceeding. The action taken in the disciplinary proceeding is now an accomplished fact.

In this restoration proceeding, the Office of Professional Discipline correctly acknowledges that the final determination may not be relitigated in this forum. That final judgment, regardless whether we agree with it or not, or would have arrived at the same decision, may not be attacked collaterally and any claims or speculation about the applicant's performance in those patient cases is precluded by the principle of res judicata. The transactions or incidents referred to in the charges in the disciplinary proceeding have been resolved and new charges may not be considered, at this time, based upon these same transactions or incidents occurring prior to the disciplinary proceeding.

We now turn to the issues framed for us regarding the circumstances surrounding the applicant's experience at Elmhurst Hospital before his employment was terminated. Specifically, the Board of Regents has directed that we assess the issues of the applicant having admitted that he was not adequately supervised and that his education, skills, and examination methods may not have been at a level high enough for a new practitioner.

At ~~our~~ meeting, the parties were given the opportunity to address the statements that have been attributed to the applicant. The attorney for the Office of Professional Discipline frankly admitted that "we're all at a loss" to know what the applicant stated. Inasmuch as the Board of Regents did not provide any

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citation for the statements, any quotations to show the specific words that were used, and any contextual reference to show when and where the statements were made and how they are to be interpreted, both parties did not know exactly what the applicant said and could not find such statement to be anywhere in the record. The applicant's attorney told us "I don't know where they get it. I don't know. I tried the case. I don't know where it's from." He also told us "I don't know where it's an admission on (sic) part of Mr. Jadoo."

The applicant's attorney believed that the admissions by the applicant, referred to by the Board of Regents in its vote to remand this matter, were derived from the report of the hearing committee in the disciplinary proceeding. He asserted that it was unfair and improper for the decision in this restoration proceeding to rely upon the admissions found by the Board of Regents. Although the record supports the arguments of both parties that the precise statements by the applicant are not revealed by this record, we will conduct the review mandated by the Board of Regents. Accordingly, for the purpose of our decision, we accept as true that the applicant uttered these statements and that they constitute admissions made by him.

In our unanimous opinion, the admissions made by the applicant should not affect the outcome in this proceeding. The applicant is not the same person he was in 1993 and 1994. After he was a student performing a six-week rotation at Elmhurst



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Hospital and after he started his professional career as a new practitioner, the applicant treated thousands of patients. Thereafter, he practiced as a physician's assistant at two other facilities and received praise for his performance in these different environments. Moreover, subsequent to the revocation of his license, the applicant has continued his education and is much more trained than he was at the beginning of his career at Elmhurst Hospital. His demonstrated growth as a professional and as a person in the years following his employment at Elmhurst Hospital speaks in favor of the applicant's current circumstances and the granting of his application at this time.

The circumstances at Elmhurst Hospital are also different at this time. If the applicant were to return to Elmhurst Hospital upon his being re-licensed, he would find "positive" changes from the circumstances existing there over five years ago. The record shows that there is more supervision available to Elmhurst Hospital's physician's assistants at present because there is now an increased number of physicians available to provide supervision to the physician's assistants. Whereas two physicians are now available for consultation by a physician's assistant, only one physician ~~was~~ suppose to be available in the past, and there were times when that one physician was not actually available for the physician's assistants. Also, in contrast to the circumstances at Elmhurst Hospital when the applicant was first hired, the Hospital now has a strict policy of using chaperones. Several chaperones

are now available to assist the physician's assistant and to interpret for patients who only speak Spanish. The Hospital has further started to offer classes in Spanish and these classes have "helped a lot."

Furthermore, oversight of hospitals and physicians and the responsibility to determine whether adequate supervision was provided by the hospital and physicians vest with the Health Department. Assuming that we possessed jurisdiction to determine these issues regarding the supervision and conduct that occurred prior to the revocation of the applicant's license, no evidence of record demonstrates that the supervision that was provided by Elmhurst Hospital and its physicians, in 1993 and 1994, was inadequate. No agency has determined that there was a dereliction in the supervision provided by others years ago. Even if it had been established or if this agency were to find that more supervision was needed, the conduct by either the Hospital or the physicians at the Hospital is not attributable to the applicant.

Whatever the source of the applicant's statements, no evidence establishes that restoration should be denied based upon the supervision provided to the applicant and his education, skills, and examination methods as a student or a new practitioner. Whether the applicant's admissions related to the pre-licensure period when the applicant was on rotation at the Hospital or to the period immediately thereafter when he was a new practitioner, the applicant's statements do not reflect current

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circumstances and are not supported by the final determination by the Health Department. On the contrary, the evidence shows that the applicant is, in view of all his experience over time, prepared to now resume the practice of the profession. The applicant testified that he is comfortable with his practical skill level today and that he has the education and skills to examine patients appropriately as a current practitioner. These statements, made after further experience, training, and education has been gained by the applicant after his license was revoked, reflect the applicant's present view as to the subjects of the statements referred to by the Board of Regents.

More significant than the statements referred to by the Board of Regents are the consistent and genuine statements expressed by the applicant that demonstrate that he now has remorse for his prior acts. These current statements of remorse reflect the substantial change in the applicant since his experiences at Elmhurst Hospital in 1993 and 1994. Whereas the applicant was not remorseful at the time of the disciplinary determination, see, Jadoo v. De Buono, supra, he is clearly remorseful at present.

#### RECOMMENDATION

our unanimous opinion, the applicant has met his burden in this restoration proceeding and has established a compelling basis for the exercise of discretion in his favor at this time. The applicant is presently dedicated and committed

to possessing the skills and knowledge he needs to assure that the public will be protected if his license is restored. He has kept himself current with the profession and has learned from his proven misconduct. He has become rehabilitated in view of the insight and understanding he has demonstrated regarding the wrongfulness of his prior misconduct. The applicant presently possesses the moral character that was lacking at the time he committed professional misconduct and appreciates the ethical requirements governing the profession. He has also demonstrated that he is presently competent to return to the profession and that he does not present any danger to the public at this time.

The Office of Professional Discipline has not taken any position on whether the applicant's license should be restored. Its attorney left this decision for this panel to make and stated that we were in the best position to assess the adequacy of the applicant's education

Based on all the foregoing, we unanimously recommend that the applicant's March 15, 1997 application for the restoration of the applicant's license to practice as a physician's assistant in the State of New York be granted to the extent that: the Order of the Commissioner of Health revoking his license be stayed; and the applicant be placed upon probation for a period of one year in accordance with the terms of probation set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "A".

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In our unanimous opinion, an additional term of probation, requiring the applicant to practice in a supervised setting, is unnecessary. The applicant's misconduct was not based upon any conduct involving his treatment of patients and no determination has established otherwise. Based upon the evidence offered in this record, restoration of the applicant's license is warranted without this additional restriction. We note that pursuant to Education Law §§6542(1) and 6542(3), a physician's assistant may only perform medical services under the continuous supervision of a physician and only when his assigned acts and duties are within the scope of practice of the supervising physician.

Respectfully submitted,

JOHN W.V. CORDICE, JR.

WILLIAM A. CONNER

LOIS JORDAN \*

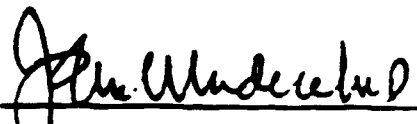
 11/29/97  
Chairperson Dated

EXHIBIT "A"

TERMS OF PROBATION  
OF THE PEER COMMITTEE

MACLEAN JADOO

CALENDAR NO. 17065

1. That the applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing his profession;
2. That the applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, 433 River St., Suite 303, Troy, N.Y. 12180-2299, of any employment and/or practice, his residence, telephone number, or mailing address, and of any change in his employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That the applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that he has paid all registration fees due and owing to the NYSED and he 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 the 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 the 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) he is currently registered with the NYSED, unless he submits written proof that he has advised DPLS, NYSED, that he is not engaging in the practice of his profession in the State of New York and does not desire to register, and that 2) he has paid any fines which may have previously been imposed upon the applicant by the New York State Department of Health, said proof of the above to be submitted no later than the first two months of the period of probation;
5. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Health Department may initiate a violation of probation proceeding and/or such other appropriate proceedings.



The University of the State of New York  
Education Department



IN THE MATTER

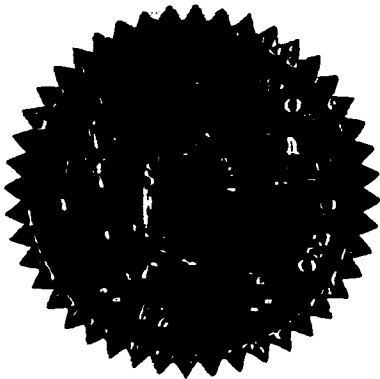
of the

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

Case No. 99-01-23

It appearing that the license of MACLEAN JADOO, 794 Midwood Street, Brooklyn, New York 11203, authorizing him to practice as a physician assistant in the State of New York, was revoked by action of the Administrative Review Board for Professional Medical Conduct on July 24, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed and considered the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on April 27, 1999, it is hereby

ORDERED that the petition for restoration of License No. 004700, authorizing MACLEAN JADOO to practice as a physician assistant in the State of New York, is denied at this time, and the proceeding is remanded to the hearing panel which originally considered his application, or to another hearing panel if the original panel cannot be reconvened, for reconsideration and a further report in accordance with the attached vote of the Board of Regents taken at its meeting of April 27, 1999.



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 28<sup>th</sup>  
day of May, 1999.

  
Commissioner of Education



Case No. 99-01-23

It appearing that the license of MACLEAN JADOO, 794 Midwood Street, Brooklyn, New York 11205, authorizing him to practice as a physician assistant in the State of New York, having been revoked by action of the Administrative Review Board for Professional Medical Conduct on July 24, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed the recommendations of the Peer Review Panel and the Committee on the Professions, and having determined to remand the application to the original hearing panel for further proceedings, or to a newly constituted hearing panel if the original hearing panel cannot be reconvened, and specifically for the panel to consider petitioner's admission that he was not adequately supervised and that his education, skills, and examination methods, including vaginal examinations, may not have been at a level high enough for a new practitioner and to conduct such review as may be necessary to reassess petitioner's current competency and to make specific recommendations to ensure that the public would not be in danger were petitioner's license restored, now, pursuant to action taken by the Board of Regents on April 27, 1999, it was

VOTED that the petition for restoration of License No. 004700, authorizing MACLEAN JADOO to practice as a physician assistant in the State of New York, be denied at this time, but that the petition be remanded to the hearing panel for further consideration and report in accordance with the aforesaid vote.

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

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

Re: **MacLean Jadoo**

Not represented by Counsel

MacLean Jadoo, 794 Midwood Street, Brooklyn, New York 11203, petitioned for restoration of his physician assistant license. The chronology of events is as follows:

- |          |  |
|----------|--|
| 02/01/94 | Issued license number 004700 to practice as a registered physician assistant in New York State.  |
| 10/20/94 | Charged with professional misconduct by Department of Health. (See "Disciplinary History.")  |
| 03/08/95 | Hearing Committee of State Board for Professional Medical Conduct recommended suspension of license for three years, suspension stayed, three years probation. |
| 07/24/95 | Effective date of Determination and Order of Professional Medical Conduct Administrative Review Board revoking license.  |
| 03/15/97 | Petition for restoration submitted.  |
| 03/13/98 | Peer Committee restoration review.   |
| 06/05/98 | Report and recommendation of the Peer Committee. (See "Report of the Peer Committee.")   |
| 09/08/98 | Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")   |

**Disciplinary History.** (See Determination and Order No. 95-50 of the Hearing Committee and Administrative Review Board of the Office of Professional Medical Conduct.) On October 20, 1994, the Department of Health charged Mr. Jadoo with 17 specifications of professional misconduct, including fraudulent practice, moral unfitness, and willfully abusing a patient. The Commissioner of Health suspended Mr. Jadoo from practice immediately, concluding that he constituted an imminent danger to the public health. The charges of moral unfitness and willful abuse arose from care,

including pelvic examinations, Mr. Jadoo provided to five patients. The fraud charge arose from applications for employment at the Executive Health Group and the Brooklyn Medical Group and for stating a false reason for his termination at Elmhurst Hospital to the Mitchell/Martin Recruitment Agency.

The Hearing Committee found that Mr. Jadoo was not guilty of moral unfitness and willfully abusing a patient, finding that he had performed vaginal or vaginal/rectal examinations on four patients at five various stages during their pregnancies. The Committee found that he had performed a vaginal examination on a 60-year-old woman who complained of injuring her ankle after a fall and Mr. Jadoo thought it was appropriate to look for tenderness in the vagina, which would be indicative of a pelvic fracture. The Committee concluded that Mr. Jadoo's difficulties were attributable to a lack of skill and supervision and lack of communication skills with his patients. The Committee concluded that Mr. Jadoo's examinations of the five patients were performed for legitimate medical purposes and not for any immoral, prurient or sexual purpose and did not evidence moral unfitness or willful abuse of patients.

The Committee sustained the charges that Mr. Jadoo had engaged in fraudulent practice concerning his statements on applications for employment with Executive Health Group and Brooklyn Medical Group by not indicating that he had been employed and terminated by Elmhurst Hospital. The Committee voted to suspend Mr. Jadoo's license for three years, stayed the suspension, and placed him on probation.

The Office of Professional Medical Conduct requested a review of the Hearing Committee's decision by the Administrative Review Board for Professional Medical Conduct. The Review Board accepted the determinations of the Hearing Committee but voted to overturn the Hearing Committee's penalty because they felt it was not consistent with the Committee's finding that Mr. Jadoo repeatedly misstated or concealed facts concerning his prior employment in applications for employment as a Physician Assistant. The Review Board voted unanimously to revoke Mr. Jadoo's license.

On March 15, 1997, Mr. Jadoo submitted a petition for restoration of his physician assistant license.

Recommendation of the Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Cordice, Jr.; Jordan; Conner) convened on March 13, 1998. In its report dated June 5, 1998, the Committee voted to recommend that the revocation of Mr. Jadoo's physician assistant license be stayed and that he be placed on probation for two years under specified terms and conditions, including practicing only in a supervised setting with his supervisor submitting quarterly reports.

Recommendation of the Committee on the Professions. On September 8, 1998, the Committee on the Professions (Duncan-Poitier, Muñoz, Ahearn) met with Mr. MacLean Jadoo to consider his petition for the restoration of his license to practice as a physician assistant. Although he has an attorney who has been assisting him with

the restoration process, Mr. Jadoo indicated that he requested his attorney not to accompany him to the meeting with the Committee.

The Committee asked Mr. Jadoo to explain why he lost his license. He responded that Elmhurst Hospital hired him as a physician assistant in October 1993 when he was just out of school. He said that he was assigned to see both Obstetrics and Gynecology patients although his training in those areas was minimal. Mr. Jadoo reported that during his two-week rotation in Obstetrics as part of his physician assistant program he only did one vaginal examination. He indicated that he worked with his supervising physician his first day of employment, and then he was on his own. He said that he was working from 7:00 a.m. to 7:00 p.m. and seeing 35 to 45 patients a day. He indicated that if he had questions, he would ask a doctor or someone else who might help him. He stated, "If you called a physician, he would give you a consult over the phone." Mr. Jadoo said that after he had worked at the hospital for about five months, a hospital administrator told him "We have to send you home. There's been a problem. Don't come back to work." Mr. Jadoo reported that the administrator told him that he couldn't discuss the reasons with him. Mr. Jadoo stated that a week later he was informed that he had been terminated for sexual misconduct and indicated that at the time he had no idea what they were talking about. He told the Committee, "I was so upset. So many people were depending on me."

Mr. Jadoo indicated that he tried to find other jobs and said that he didn't tell them of the charges against him. The Committee asked, "If you felt that you didn't do anything wrong, why were you afraid to indicate the charges on your applications for appointment?" Mr. Jadoo responded, "I was afraid they would not hire me. Honestly, if someone told me that, I would think about it." He stated that he was hired and worked as a physician assistant at the Empire HIP Center but only listed on his application for employment that he worked for a short period as a "temp." Mr. Jadoo reported that he worked at HIP for about two months until "the investigators came." In response to the Committee's inquiry, he stated that he worked as part of a general practice, but he did perform obstetrics and gynecology services, including pelvic exams. Mr. Jadoo said that there were no complaints filed by his patients. The Committee asked if chaperones were present during those examinations and he replied, "Yes, if you have a GYN exam." Mr. Jadoo said that on his application for licensure in Florida he also omitted that he had been employed at and dismissed by Elmhurst Hospital.

The Committee asked Mr. Jadoo why the women accused him of sexual misconduct. He replied that he couldn't imagine anyone accusing him of such a thing. Upon further questioning by the Committee as to why five women felt they were abused, Mr. Jadoo said that there was one other physician assistant at the hospital who kept inviting him to lunch and gave him a birthday present. He reported that he kept telling her he was a married man and couldn't become involved with her. He indicated that the accusers were the same patients that she saw, but he told the Committee, "I really don't know why." Mr. Jadoo said, "I want to be truthful, honest, and speak straight from the heart."

Mr. Jadoo said that most of his patients at Elmhurst Hospital were Spanish speaking and he did not speak or understand that language. He said the hospital clinics were busy and it was difficult to get chaperones and translators who could explain to the patients "what you were doing." He told the Committee, "I think this is what started the problem." Mr. Jadoo stated that he performed both OB and GYN examinations, but the complaints came only from the obstetrics patients. He said, "I think I was performing the exams correctly," and indicated that the Department of Health did not find him guilty of sexual misconduct. He reported that there were no complaints from his English-speaking patients. Mr. Jadoo told the Committee that he felt his inability to communicate and his method of doing the examinations led to the sexual misconduct charges. He indicated that he used the same examination methods for all his patients, but not all complained. The Committee asked Mr. Jadoo why five women thought something horrible was happening to them and if he thought any harm was caused by him. He responded, "I'm sure they went through a lot of pain and suffering - like I did." He said that he now understands that if he were in their place, he would probably have felt violated. He stated, "I feel bad for them." Mr. Jadoo told the Committee that after the examinations, an interpreter would often explain what occurred, but that he wasn't sure what was said to them. The Committee asked if he was aware if any lawsuits were filed against the supervising physician or the hospital. He responded that he was unaware of any but his supervising physician left at about the same time as he did.

Mr. Jadoo indicated that he felt the conditions of probation recommended by the Peer Committee would seriously affect his getting a job. He said, "I think I've suffered enough. I've disgraced my profession. I can't change what I've done, but I can change what I can do in the future." He indicated that he could work in the same type of environment as previously because "I've done nothing wrong." He said that if the patients were Spanish-speaking, he would learn the language. Additionally, he said that he would always have a chaperone present and that he has learned very well from his experience. The Committee asked why he felt his license was revoked. Mr. Jadoo replied, "Honestly, I think they revoked my license because of the lying episodes. I think they thought I couldn't be trusted." He indicated that he thought the penalty was harsh although he said that he should have definitely been disciplined.

The Committee asked if there was anything else he would like to tell them. He said, "I would like to apologize to the patients who thought I sexually abused them." He indicated that he had just graduated from his educational program and was trying to make his examinations as complete as possible and was "trying to not miss anything." He stated that he now realizes that it was probably hard for his patients to understand fully what he was doing and why he was doing it. He said that were his license restored he would always make sure that a female chaperone was in the examining room and, whenever possible, would try to arrange it so that a patient would always see the same person. Mr. Jadoo indicated that he would be much more careful in everything he did.

Following the meeting, the Committee received a letter, dated September 10, 1998, from Mr. Jadoo and a letter of recommendation, dated October 13, 1998, from Anthony Radi, a physician assistant who was (and still is) employed at Elmhurst Hospital and worked with Mr. Jadoo. These two documents were considered by the Committee in their deliberations.

After extensive discussion with the applicant, two members of the Committee on the Professions (COP) find that they are constrained by the finding of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, specifically, that petitioner was not guilty of sexual misconduct. Accordingly, the majority will address only the issue of the applicant's untruthfulness on various applications. The majority finds that Mr. Jadoo made a compelling case for the restoration of his license; the minority member does not. The majority concurs with the determination of the Peer Committee that Mr. Jadoo "is sorry for falsifying his application, accepts responsibility for his actions and truly understands the root causes of his wrongdoing." The majority believes that he has demonstrated remorse for having lied on his applications for employment and licensure and understands the ramifications of not being truthful. While not condoning his deceptive actions, the majority notes that the misconduct occurred while he was a novice in the profession and concerned about providing for his family as a new professional. The majority agrees with the Peer Panel that Mr. Jadoo "would never make the same mistake again. We believe him when he says that he will tell the truth and accept whatever consequences come along." The majority notes that Mr. Jadoo was truthful and open to his employers at Empire HIP Center about the alleged sexual misconduct charges after the investigator appeared at the facility and he worked there with no further complaints. The majority relies on the determination of the Peer Committee that Mr. Jadoo is sufficiently reeducated to resume practice and also notes that Mr. Jadoo had his license revoked for failure to tell the truth which, while serious, might not ordinarily result in revocation. The majority concurs with the Peer Committee that Mr. Jadoo's reentry into the profession should be gradual and supervised during a two-year probationary period.

The COP member voting in the minority notes that restoration of a license is not an automatic right and should only be granted in exceptional cases based upon documentation of merit. The dissenting member does not believe that Mr. Jadoo presented a compelling case for restoration of his physician assistant license and believes that the restoration should be denied. While the two other members of the COP indicated that they were constrained by the findings of the Department of Health's Administrative Review Board with respect to the alleged sexual abuse of patients, Mr. Jadoo mentioned these accusations during the COP meeting and his rationale for their occurrence. It was not the opinion of the minority COP member that Mr. Jadoo was honest when he simply blamed the patients' belief of sexual assault on the fact that the women could not speak English and, therefore, misunderstood his treatment, (especially, when the 60-year-old woman who complained of sexual abuse after receiving a pelvic exam for an ankle injury spoke English) nor was he honest with the reasons for hiding this information from future employers while continuing to perform

GYN exams. If one limits one's thinking strictly to the Administrative Review Board, in its decision to revoke Mr. Jadoo's license, the Board wrote, "The repeated nature of the Respondent's misconduct demonstrates that the Respondent lacks the integrity to practice as a Physician's Assistant."

Similarly, the minority notes that the Department of Health (September 2, 1997) strongly opposes the restoration of Mr. Jadoo's license and states, "Mr. Jadoo's petition exhibits continued dishonesty through untruthful and misleading statements. He incorrectly states that he was 'completely absolved of the charges of professional misconduct,' and fails to note the exact nature of the charges against him. The ARB determined that Mr. Jadoo is incapable of rehabilitation and there is nothing of significance in his petition to overturn their decision." The record shows that he intentionally stated false reasons for his termination from Elmhurst Hospital to Mitchell/Martin Recruitment Agency, and intentionally, with the intent to deceive, failed to include his employment with Elmhurst Hospital on applications for employment with the Executive Health Group and Brooklyn Medical Group HIP Center. Although the charges of sexual misconduct were not sustained, the record shows that Elmhurst Hospital terminated Mr. Jadoo's employment after the hospital's investigation had established documentation from a number of patients supporting allegations that he had committed professional misconduct. Additionally, the minority member of COP notes that the Office of Professional Medical Conduct Hearing Committee found that Mr. Jadoo was not credible in his testimony concerning a 60-year old patient complaining of an ankle injury. Although Mr. Jadoo denied that he had placed his fingers into the patient's vagina while examining her, the Hearing Committee found that Mr. Jadoo did place his fingers in the patient's vagina. The minority notes that Mr. Jadoo continues to deny such action, indicating now that his fingers might have slipped during the examination. The dissenting member finds that Mr. Jadoo did not present convincing arguments to eradicate the lingering doubts regarding his integrity and honesty - the basis for his revocation. Therefore, the minority voted to deny Mr. Jadoo's application for restoration at this time.

Therefore, after a complete review of the record and its interview with him, the Committee on the Professions voted by a vote of two to one to recommend to the Board of Regents that the order of revocation of Mr. Jadoo's license to practice as a physician assistant in the State of New York be stayed and that he be placed on probation for three years under the terms and conditions of probation attached to the Report of the Peer Committee and labeled as Exhibit "A."

Johanna Duncan-Poitier, Chair

Frank Muñoz

Kathy Ahearn

**MAC LEAN JADOO**

794 Midwood Street

Brooklyn, NY 11203

3/7/99

**RECEIVED**  
MAR 9 1999  
**COMMITTEE ON THE**  
**PROFESSIONS**

Dr. Leonard Lapinski  
The Board of Regents  
State Education Department  
Albany, NY 12230

Thank you for giving me an opportunity to present to you my thoughts and feelings concerning this important matter. You can't imagine how much my profession means to me. I am an immigrant from a poor family in Trinidad, West Indies. I have worked 16 hours a day in a Supermarket to save for my studies. I was a Lab Technician, hoping to be something more, and achieve my opportunity when I was awarded a scholarship by local 1199 Union, to become a Physician Assistant. The day I graduated from P.A. school was one of the happiest days of my life. In 1994, I disgraced my profession, the public, my patients and the State Education Department by being untruthful and dishonest; which I regret until this day. I am ashamed and I am very sorry for misleading the public and the medical profession and everyone mentioned, for not being truthful on my application. I apologized to the State and I am asking for forgiveness. I am sorry, contrite and regretful for my shortcomings. I was wrong for not disclosing my previous Elmhurst Hospital experience on the employment application. I am remorseful and anguished for my wrong doing.

At that time, I was hurting and in pain. I had no money. I was sent home without a reason from the hospital and five days later, I received a letter of termination for professional misconduct. My mother lives in Trinidad; she is 80 years old and has Alzhimers disease. She needs 24 hour coverage and care, 7 days a week. I had the burden of having to provide money. I have no one to help me. Although this is no reason for me to be dishonest and untruthful, I felt pressured. I did not know what to do; my mother depended on me for help, and I went about it the wrong way.

I have suffered a lot and had many sleepless nights; cried myself to sleep many nights, but I was WRONG I take full responsibility for my actions. This will never happen again because I have learned my lesson well. I have grown and truly matured. I'm able to look back and see all my wrong doing and my shortcomings. Once again I am asking the State for a second chance.  
-I have repented.  
-I will always be truthful on my applications.

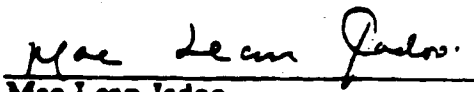


- As a new graduate, I will always be careful in the workplace.
- I will be able to recognize when a situation arises.
- I will be able to use good judgement to eradicate myself if necessary.

I thank God for my wife and family for my emotional support. I have explained my rationale to all of my patients, and to 6 physicians at two different hearing sites. They all agreed that the physical exams were medically indicated. I have much to offer to my community and the profession. I know if offered the opportunity to practice medicine, I will become a credit to my profession.

I hope and pray that God will give you compassion and you will be able to forgive me for all my shortcomings.

Sincerely,

---

**Mac Lean Jadoo**  
*Physician Assistant*



# 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

MACLEAN JADOO

REPORT OF  
THE PEER  
COMMITTEE  
CAL. NO. 17065

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

-----X

Petitioner , MACLEAN JADOO, was authorized to practice as a  
physician's assistant in the State of New York by the New York  
State Education Department by the issuance to his of license  
No.004700.

## PRIOR DISCIPLINARY HISTORY

In May 1994, Elmhurst Hospital summarily discharged petitioner  
from his position as a physician's assistant without giving  
petitioner a reason or a hearing. Petitioner later learned that  
charges of unprofessional conduct had been lodged against him by  
some female patients. Petitioner was not told the names of the  
persons making the complaints. Petitioner was advised by the  
Elmhurst Hospital not to use his employment there as a reference.  
In October 1994, petitioner was summarily suspended from practicing

MACLEAN JADOO (17065)

as a physician's assistant. Thereafter, he was served with a notice of hearing and statement of charges in this matter. Petitioner was charged with fraudulent practice, moral unfitness and with willfully abusing a patient. From October 1994 through January 1995, a hearing was held by the New York State Department of Health. ~~The hearing panel determined that respondent was not guilty~~ of the charges of moral unfitness and willful patient abuse but was guilty to the extent indicated in their report of fraudulent practice. The hearing panel recommended that petitioner's license to practice be suspended for a period of three years, that the suspension be stayed and the petitioner be placed on probation under the terms set forth in their report. The Administrative Review Board upheld the findings but overturned the penalty and revoked petitioner's license noting the repeated nature of petitioner's misconduct. Petitioner was revoked effective July 24, 1995.

#### THE PETITION

By written petition in March 15, 1997 petitioner sought the restoration of his license to practice as a physician's assistant in the State of New York. His petition reads in pertinent part:

"I am 48 year old, married Physicians Assistant. A journey of hard work and perseverance has brought me from ~~an~~ impoverished youth in my native country of Trinidad, West Indies to the profession of medicine. In 1970 I came to New York from Trinidad, West Indies. I worked at an A & P Supermarket for 10 years, and registered for evening classes at New York City Community College. I later transferred to the College of Staten Island with a B.S. Degree in Medical Technology. In 1981 I graduated from the College of Staten Island with a B.S. Degree in Medical Technology.

In 1982 I was employed at Kingsbrook Medical Center - Biochemistry Laboratory, Brooklyn, New York. I worked as a lab tech for 8 years. After those 8 years of employment, I wanted to fulfill the "American Dream" and complete my vision. I resigned from my position as a lab tech, which in turn terminated my pension plan and benefits, to pursue a career as a Physicians Assistant.

I was accepted at the Physicians Assistant Program at City University of New York, Harlem. In 1993 I graduated as a Physicians Assistant and was employed at Elmhurst Hospital as a Physicians Assistant in the Ob/Gyn Department from October 1993 - May 1994 in May 1994 I was terminated from Elmhurst Hospital for Professional Misconduct.

On or about October 1994 I was served with charges from the New York State Department of Health, which charged me with Professional Misconduct, Failure to Provide Information on Application for Employment at a HIP Center and an Employment Agency, and Fraudulent Practice of Medicine. On November 3, 1994 and concluding on January 4, 1995 a five day hearing was held before a Hearing Committee of the Office of Professional Misconduct. Upon conclusion, I was completely absolved of the charges of Professional Misconduct. I was found guilty of Practicing the profession Fraudulently in that I failed to indicate Employment on Applications for Employment at a HIP Center and an Employment Agency. As sanctioned, the Hearing Committee invoked a three (3) year stayed suspension with terms of probation. In July 1995, the Administrative Review Board revoked my P.A. license for fraudulent conduct. I accepted the decision of the Administrative Review Board and I am extremely remorseful and regretful for any shortcomings I may have had. My love of my profession is great and has been with me as long as I have lived. I apologize to the State for my shortcomings.

This period of revocation has been extremely difficult for me and me (sic) family, both economically and psychologically. The devotion of my family and the love we have together has helped to sustain me.

The psychological effect of the sanction has been greater than the economical effect, which itself has been devastating and has completely prevented me from providing for my family. My self-esteem, feelings of pride and self-worth have been severely undermined. The situation has been worsened and my concern and remorse even greater with the knowledge that my patients still

ask about me. I relay all of this, not for sympathy, but to show that in spite of these crushing misfortunes I have utilized this time to seek aid to grow and mature, and channel my energies and efforts towards education, training and improving my skills towards becoming a better Physician Assistant. I hope and pray that I will be allowed to once again return to the profession of medicine.

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I have been encouraged and supported through this ordeal by my family and Physician Assistants from my region in all specialties who have petitioned for me. They include the supervising Physician Assistant who worked closely with me throughout the 6 months I worked prior to the revocation of my license. I have been heartened by this support of my peers, who have been best able to observe and know the quality of my work, even with full knowledge of these problems. They have continued to support me and urge reduction of what they perceive as an unduly harsh punishment.

I have made every effort to improve my skills throughout my career and think I have continued even further in those efforts during this ordeal and believe I am evolving into an even more dedicated and concerned Physician Assistant. I am certain this process will continue throughout my career. Through remediation I believe I have been rehabilitated and have even demonstrated my current ability and competency throughout the past years.

I believe that by means of this entire proceeding and the subsequent revocation, I have been sufficiently punished and have atoned for any wrongdoings and held accountable for the shortcomings exhibited. I feel and know in my heart that I truly have much to offer the patients in my community and to my profession and that with my added experience and growth can again be a valued member of the profession I long to return to.

My love of my profession continues strong, clear and undiminished, and my dedication to it and my caring for my patients has only grown. I feel that as a result of this unfortunate experience and efforts toward both personal and professional development, I can contribute even more, both as a human being and as a Physician Assistant. . . .

The problems stemming from misinformation on Application for Employment will never again occur. I have learned my lesson well. I sought to justify and

rationalized my actions by minimizing the underlying circumstances. . I realize now that full and total disclosure is not only appropriate but essential. I believe I am a man of principle, integrity and candor - and I am fully committed to those principles, personally and professionally.

I believe this ordeal, while causing me great suffering has nonetheless strengthened my character, giving me new insight and fostering growth as a person and as a Physicians Assistant.

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I believe and know that I have attained significant growth, maturation, improvement and rehabilitation of any deficiencies that I have possessed. Through my efforts at remediation, including continuing medical education and with upkeep of the profession through journals, I believe I have sufficiently honed, developed and perfected my skills and medical acumen and the Regents need not be concerned with reoccurrence. I pose no risk of harm to the public. I think my growth and maturation in confronting and living through this ordeal and crisis has enhanced my ability as a Physician Assistant and as a human being. I think the Physician Assistants submitting letter on my behalf regard me as an able, sincere, caring, and a compassionate Physician Assistant. I believe that I will be a credit to my patients and an asset to the medical profession if permitted to serve them and my community again. I will certainly strive towards that goal and exert very effort to make my patients and profession proud of me. I hope that there could be found a more positive and effective way for the State of New York to allay fears and protect the public, while allowing me to render medical care to my patients.

I submit to you and implore that there must be some other alternative to allow years of education and training to culminate in some good for the community and my self rather than the wholesale destruction of a man, his family, and career.

Clearly I believe it can be readily seen that my case is not one in which it has been shown that I lack the rudiments of the profession nor am I beyond rehabilitation. I ask only that the state allows me to move forward, to demonstrate my yearning and desire towards becoming an asset to the medical profession and my community."

In addition, petitioner has submitted five affidavits in

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support of his petition for re-licensure and a detailed list of the continuing education credits he has taken since the revocation of his license.

#### THE MEETING

~~On March 13, 1996, this peer panel met to consider the instant~~  
petition. Petitioner appeared in person and was represented by his attorney, Nathan L. Dembin, Esq. The Office of Professional Discipline was represented by Franklyn Perez, Esq. Nina Tornabene, Esq., of the Office of Legal Services, appeared as counsel to the Peer Panel.

Petitioner stated that he was born in Trinidad and that he came to this country in 1970. Petitioner came alone to this country. The rest of his family remained in Trinidad. Petitioner began to work as a stock clerk at the A & P supermarket when he was in his twenties. Petitioner went to school at night and after many years of hard work earned his degree as a medical technician. Petitioner obtained employment as a Medical Technician at the Kingsbrook Medical Center. After eight years, petitioner received a scholarship from the union to attend P.A. school. Petitioner did his training at Harlem Hospital. After he completed the P.A. program Elmhurst Hospital offered him a job. Petitioner worked in the Ob/Gyn. Clinic at Elmhurst Hospital. In the early part of May 1994, petitioner was sent home by the hospital. Petitioner begged the hospital to tell him why he was being sent home but they would not. On May 16, 1994, petitioner received a letter advising him that

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he was being terminated because of sexual misconduct. Dr. Brown, from Elmhurst advised petitioner not to use Elmhurst as a reference.

Petitioner applied for employment at various places and deliberately omitted Elmhurst Hospital from his employment history.

~~Petitioner also applied to the State of Florida for licensure and misrepresented his chronological history since he graduated from school. Petitioner stated only that he was making plans to relocate to Florida.~~

Petitioner states that he knew what he was doing was wrong, but that at the time he did not see any way out. Elmhurst had terminated him for something he did not do. Petitioner was not given a chance to defend himself. He had been told not to use Elmhurst as a reference. Petitioner believed that if he told a prospective employer that he had been fired for sexual misconduct but that he was innocent, no one would hire him. Petitioner stated that he was wrong to lie. Petitioner admits that he made a wrong decision that he cannot change. Petitioner states that prior to this time in his life, he earned everything through honesty and hard work. Petitioner asks for forgiveness and for a second chance. Petitioner states that he was not thinking about what was right or wrong. Petitioner was trying to get money to support his family. Petitioner's mother was suffering from Alzheimer's, and was living alone. Petitioner had to make enough money to hire someone to care for her twenty-four hours a day.

Petitioner's next job was at the HIP center. In July, an



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investigator from New York State came to HIP to investigate the charges that had been lodged against him at Elmhurst. After the investigator came the administrator of HIP asked petitioner what had happened. Petitioner told her the entire story and assured her that the charges were not true. Petitioner was told to put the details of the incident in writing. ~~Petitioner's case was~~ presented to the HIP Board. After his case was presented, the Board decided to continue to employ him and even gave him a permanent position.

In October 1994, petitioner's license was summarily suspended.

Petitioner stated that he has grown and learned his lesson. He will never misrepresent himself again. If he is told by an employer in the future not to list them as a reference, he will list them in spite of their warning because it is the truth.

At the present time, petitioner is employed at a hospital as a lab technician. The position is temporary. Petitioner loves medicine and wants to return to work as a Physician's Assistant. Petitioner reads eight different medical journals, has taken 198 continuing education credits, attends hospital seminars and speaks frequently with the physician's assistants at the hospital and in the emergency room. Petitioner is still a member of the New York State Society of Physician's Assistants. Petitioner pays his own dues.

The panel asked petitioner how would he change his practice if he had to do things over again. Petitioner stated that he did not know since he had done nothing wrong. Petitioner was asked if he

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spoke Spanish. Petitioner stated that he did not. Petitioner was asked if it might not be wise to learn some Spanish so that he could better communicate with his patients. Petitioner agreed.

Mr. Radi, a physician's assistant, who trained and worked with petitioner at Elmhurst Hospital testified in support of the restoration of petitioner's license. Mr. Radi described the Ob/Gyn clinic of the hospital as being overcrowded and supercharged. There were practically no obstetricians present, there was a shortage of nurses and very often the clinic ran out of gowns and gloves. Physician's assistants were left on their own. In a typical day a physician's assistant would see about 40 patients. Mr. Radi believes that petitioner was falsely accused and that the same thing could have happened to anyone in that atmosphere. Mr. Radi states that a similar accusation had been made against another physician's assistant a few years earlier and that P.A. was also unjustly terminated. In answering the panel's questions, Mr. Radi stated that petitioner had been a good physician's assistant dedicated, responsible and caring. Mr. Radi stated that the clinic now requires that a chaperone be available when a patient is given an internal examination and the hospital now provides courses for its staff to learn Spanish so that they can better communicate with their patients. Mr. Radi was aware of the fact that the petitioner had been told by the hospital not to use his employment at Elmhurst as a reference. Mr. Radi did not counsel him on how to fill out subsequent applications. Mr. Radi had kept in touch with petitioner throughout this period of time and is aware of how sorry petitioner

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is for putting false and misleading information on his application. Mr. Radi knows from his conversations with petitioner that petitioner has learned his lesson and feels great remorse for his wrongdoing. Petitioner told Mr. Radi that by lying, petitioner has let down the entire profession. Mr. Radi knows that petitioner has ~~learned his lessons and will tell the truth and is prepared to~~ accept the consequences.

The Department takes no position in this matter but rather leaves the decision up to the panel. Mr. Perez reminds the panel that the Department of Health opposes his petition for restoration.

Petitioner's attorney believes that the evidence of remorse and rehabilitation is clear and overwhelming. That the record is clear that petitioner has done all that he can to keep abreast of changes in his profession. The only remaining question is whether by restoring his license there is a risk of harm to the public. Petitioner maintains that the evidence is clear that there is not. Petitioner will never lie on an application again. It is time to bring an end to the petitioner's suffering. "...the equity of the situation, the legality of the situation and just human compassion warrants the restoration of this individual's license."

PEER PANEL RECOMMENDATION

The mandate of a peer panel sitting in a restoration proceeding before the State Education Department is to determine whether or not, using, among other things, the generally acceptable criteria of remorse, reeducation and rehabilitation, petitioner has met the burden of submitting such evidence as would compel the

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exercise of discretion in [Petitioner's] favor, Greenberg v. Board of Regents of the University of New York, 176 A.D.2d 1168, 575 N.Y.S.2d 608, 609.

The restoration of a professional license is intended only to apply to exceptional cases where the merit of [Petitioner] is ~~clearly established to the satisfaction of the Board of Regents.~~ Reddick v. Board of Regents of University of State of New York, 58 Misc.2d 970, 297 N.Y.S.2d 339. Restoration of licensure ... is not an absolute right, and may only be granted when [Petitioner] has sustained the burden of clearly establishing that [Petitioner] is entitled to such restoration. Nisnewitz v. Board of Regents of University of State of New York, 95 A.D.2d 950, 464 N.Y.S.2d 287.

It is the unanimous finding and determination of this peer panel that petitioner has learned his lesson. Petitioner is sorry for falsifying his application, accepts responsibility for his actions and truly understands the root causes of his wrongdoing.

Petitioner would never make the same mistake again. We believe him when he says that he will tell the truth and accept whatever consequences come along. We believe that with respect to remorse, re-education and rehabilitation Petitioner has done all he could and has presented evidence, which would compel this panel to look favorably upon his petition. Petitioner has sustained the burden of clearly establishing under all of the circumstances in this case, that he is entitled to restoration and has presented sufficient evidence to compel this panel to exercise our discretion in his favor. We do, however, believe that part of

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problem that led to the original but unfounded accusations against the petitioner was the situation in which he placed himself after graduation. Petitioner was thrown into a situation where he had little or no supervision in an area that was highly specialized. Petitioner did not realize the danger that he was in

~~and did not know enough to extricate himself from that situation.~~

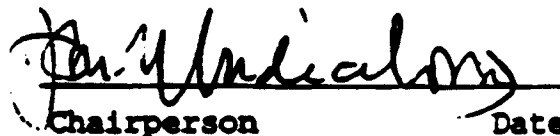
Even today, petitioner was unable to say what he might do differently in his practice to avoid any further problems. Petitioner can only say that he was innocent of the original charges. While we believe that he was innocent of the original charges, we further believe that he needs to be more aware of how to practice as a physician's assistant in such a way that his inexperience and lack of skill is not a problem for himself or his patients.

Therefore we unanimously recommend to the Board of Regents that that Commissioner's Order BPMC-95-50 be stayed, that petitioner's license to practice as a physician's assistant be restored and that petitioner be placed upon probation for a period of two years in a supervised setting with his supervisor submitting quarterly reports.

Respectfully submitted,

JOHN W.V. CORDICE, JR.,  
Chairperson

LOIS JORDAN  
WILLIAM A. CONNER

  
Chairperson

Dated

June 5, 1998

EXHIBIT "A"

TERMS OF PROBATION  
OF THE PEER COMMITTEE

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CALENDAR NO. 17065

1. That petitioner shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether petitioner is in compliance with the following:
  - a. That petitioner, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing petitioner's profession;
  - b. That petitioner shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, petitioner's residence, telephone number, or mailing address, and of any change in petitioner's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
  - c. That petitioner shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that petitioner has paid all registration fees due and owing to the NYSED and petitioner 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 petitioner 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; and
  - d. That petitioner 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) petitioner is currently registered with the NYSED, unless petitioner submits written proof to the New York State Department of Health, that petitioner has advised DPLS, NYSED, that

petitioner is not engaging in the practice of petitioner's profession in the State of New York and does not desire to register, and that 2) petitioner has paid any fines which may have previously been imposed upon petitioner 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;

2. That petitioner shall only practice as a physician's assistant in a supervised setting under the supervision of ~~a physician or a physician's assistant~~, said supervisor to be selected by petitioner and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
3. That petitioner shall have quarterly performance reports submitted to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health said reports to be prepared by petitioner's supervisor and shall document petitioner's performance as a physician's assistant; and
4. If the Director of the Office of Professional Medical Conduct determines that petitioner may have violated 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.