



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 21, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Parviz Javdan, M.D.
419 East Main Street
Middletown, New York 10940

RE: License No. 116517

Dear Dr. Javdan:

Enclosed please find Order #BPMC 99-79 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 21, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Steven I. Milligram, Esq.
One Corwin Court
PO Box 1479
Newburgh, New York 12550

Kevin C. Roe, Esq.

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

IN THE MATTER
OF
PARVIS JAVDAN, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-79

PARVIS JAVDAN, M.D., (Respondent) says:

That on or about June 27, 1973, I was licensed to practice as a physician in the State of New York, having been issued License No. 116517 by the New York State Education Department.

My current address is 419 East Main Street, Middletown, NY 10940.

I understand that the New York State Board for Professional Medical Conduct has charged me with eighteen specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the fifth specification as it relates to paragraphs A1, A2, A7, A8, B3, and B5 in full satisfaction of the charges against me. The remaining specifications are dismissed with prejudice.

I agree to the following penalty:

My licence to practice medicine shall be suspended for twenty one months with the suspension stayed on condition that I comply with the terms of condition attached hereto, made part hereof, and marked as Exhibit B and I shall be fined two thousand five hundred dollars (\$2,500.00). A check for this amount payable to the Bureau of Accounts Management is enclosed with this application.

I stipulate that any failure by me to comply with the terms of condition shall constitute misconduct as defined by New York State Education Law §6530(29). I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I make this application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final

determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED:




PARVIS JAVDAN, M.D.

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: _____


STEVEN I. MILLIGRAM, ESQ.
Attorney for Respondent

DATE: 4/13/99


KEVIN C ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 4/13/99


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

**IN THE MATTER
OF
PARVIS JAVDAN, M.D.**

CONSENT
ORDER

Upon the proposed agreement of Parvis Javdan, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted, and it is further

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

SO ORDERED.

DATED: 4/15/99



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

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
PARVIZ JAVDAN, M.D. : CHARGES

-----X

PARVIZ JAVDAN, M.D., the Respondent, was authorized to practice medicine in New York State on June 27, 1973, by the issuance of license number 116517 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent purportedly treated Patient A (patients are identified in the attached appendix) on or about June 24, 1997, and October 29, 1997, at his office, 419 East Main Street, Middletown, New York, for gastrointestinal complaints. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain an adequate history on June 24, 1997.
2. Respondent failed to perform an adequate physical examination June 24, 1997.
3. Respondent falsely stated in a communication dated June 24, 1997, to Middletown Psychiatric Center that Patient A was "totally uncooperative, spitting on nurses, and hitting the people" and that it was "impossible to take any history or do physical examination."

4. Respondent falsely reported a history and physical examination in a communication dated June 24, 1997, to Middletown Psychiatric Center.
5. Respondent falsely submitted a voucher dated June 26, 1997, to Middletown Psychiatric Center for services on June 24, 1997, that were not rendered.
6. Respondent falsely reported a telephone conversation with Harlan Kosson, M.D. in an office note dated June 30, 1997.
7. Respondent failed to obtain an adequate history on October 29, 1997.
8. Respondent failed to perform an adequate physical examination October 29, 1997
9. Respondent falsely stated in a communication dated October 30, 1997, to Middletown Psychiatric Center that Patient A was "totally uncooperative" and that he "was unable to touch the patient."
10. Respondent falsely submitted a voucher dated November 3, 1997, to Middletown Psychiatric Center for services on October 29, 1997, that were not rendered.

B. Respondent treated Patient B on or about March 3, 1997, at the Horton Medical Center, Middletown, New York, for a planned colonoscopy. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform a colonoscopy.
2. Respondent performed endoscopy/gastroscopy and related procedures without adequate medical justification.
3. Respondent failed to update the patient's history and current complaint.
4. Respondent failed to obtain an appropriate consent for the procedure performed.
5. Respondent failed to review appropriate medical records prior to undertaking the procedure.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, and/or A.10.
2. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.

THIRD AND FOURTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

3. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, and/or A.10.
4. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.

FIFTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

5. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10; and/or B and B.1, B.2, B.3, B.4, B.5.

SIXTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

6. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10; and/or B and B.1, B.2, B.3, B.4, B.5.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

FRAUD

Respondent is charged with practicing the profession fraudulently in violation of New York Education Law §6530(2) in that, Petitioner charges:

7. The facts in Paragraphs A and A.3.
8. The facts in Paragraphs A and A.4.
9. The facts in Paragraphs A and A.5.
10. The facts in Paragraphs A and A.6.
11. The facts in Paragraphs A and A.9.
12. The facts in Paragraphs A and A.10.

THIRTEENTH THROUGH EIGHTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20) in that, Petitioner charges:

13. The facts in Paragraphs A and A.3.
14. The facts in Paragraphs A and A.4.
15. The facts in Paragraphs A and A.5.
16. The facts in Paragraphs A and A.6.
17. The facts in Paragraphs A and A.9.
18. The facts in Paragraphs A and A.10.

DATED: *November 23*, 1998

Albany, New York



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

EXHIBIT B

Terms of Condition

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of stayed suspension under these terms of condition shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of the Office of Professional Medical Conduct (OPMC), in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of stayed suspension shall resume and any terms of condition which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State. This provision does not apply to the terms of condition set forth in paragraphs seven and eight below.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State law, rules, and regulations regarding controlled substances.
7. Except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied; and
8. Respondent shall cooperate fully in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.
9. Respondent shall practice medicine pursuant to an approved monitoring plan. The monitor shall be a licensed physician, board certified in Internal Medicine/Gastroenterology, proposed by Respondent and subject to the written approval of the Director of OPMC. This term shall be effective thirty days after issuance of the order.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a unannounced basis at least monthly and shall examine a random selection of at least 25 records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

- c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
10. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation proceeding as described in NY Public Health Law §230(19) and/or any such other proceeding as may be authorized pursuant to the law. Upon written notification to Respondent by the Director of OPMC that she/he has determined that he has violated the terms of condition and/or is not in compliance with the terms of condition, the stay of the suspension is vacated and Respondent's licence shall be actively suspend until final resolution of the alleged violations of the terms of condition pursuant to the proceeedure set forth in NY Public Health Law §230(19).