

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

September 26, 1990

Leroy Jaret, Physician  
328 Maple Street  
San Diego, California 92103

Re: License No. 094896

Dear Dr. Jaret:

Enclosed please find Commissioner's Order No. 10917. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

GUSTAVE MARTINE  
Supervisor

DJK/GM/er  
Enclosures

CERTIFIED MAIL- RRR

cc: James H. Niven, Esq.  
425 California Street  
San Francisco, California 94104

**RECEIVED**  
OCT 01 1990  
Office of Professional  
Medical Conduct

**REPORT OF THE  
REGENTS REVIEW COMMITTEE**

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**LEROY JARET**

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**CALENDAR NO. 10917**



# **The University of the State of New York**

IN THE MATTER

of the

Disciplinary Proceeding

against

**LEROY JARET**

**No. 10917**

who is currently licensed to practice  
as a physician in the State of New York.

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## **REPORT OF THE REGENTS REVIEW COMMITTEE**

LEROY JARET, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On June 27, 1990, respondent did not appear before us in person or by an attorney. However, respondent's letter dated June 8, 1990 was received in accordance with our ruling on June 27, 1990. Kevin Roe, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be revoked.

We have reviewed the record in this matter, and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. On August 31, 1988, the State of California, Board of Medical Quality Assurance, Department of Consumer Affairs, after a hearing had been held before an Administrative Law Judge, issued a decision finding respondent guilty of violating CAL. BUS. & PROF CODE §§726 and 2234(b), and revoking respondent's California certificate to practice medicine and surgery for each cause set forth in its decision.
3. On or about October 5, 1989, the State of California, Board of Medical Quality Assurance, Department of Consumer Affairs granted respondent's petition for reconsideration and both adopted the previous findings of guilt and issued a new penalty order including a stay of the revocation and including probation for seven years.
4. Respondent has been found guilty of improper professional practice and professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under Education Law §6509(2) - gross

LEROY JARET (10917)

negligence - and Education Law §6509(9) and 8 N.Y.C.R.R.  
§§29.1(b)(5) and 29.4(a)(5)(i) - unprofessional conduct.

**DETERMINATION AS TO GUILT**

The specification contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven, by a preponderance of the evidence, and respondent is guilty thereof.

**RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED**

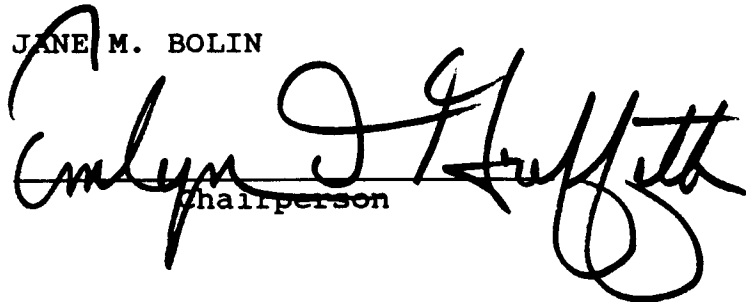
Based upon a serious view of respondent's misconduct, respondent's license to practice as a physician in the State of New York be revoked upon the specification charged of which respondent has been found guilty. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein; but said application shall not be granted automatically.

Respectfully submitted,

EMLYN I. GRIFFITH

CARL T. HAYDEN

JANE M. BOLIN

  
Chairperson

Dated:

8/15/90

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

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IN THE MATTER	:	STATEMENT
OF	:	OF
LEROY JARET, M.D.	:	CHARGES

-----X

1. LEROY JARET, M.D., the Respondent, was authorized to practice medicine in New York State on November 24, 1978 by the issuance of license number 094896 by the New York State Education Department.

2. The Respondent is not currently registered with the New York State Education Department to practice medicine.

3. Respondent herein is charged with professional misconduct within the purview of New York Education Law §6509 (McKinney 1985) as set forth in the attached Specification.

### SPECIFICATION

4. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(b) (McKinney 1985) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that:

On or about August 31, 1988 the Board of Medical Quality Assurance, Department of Consumer Affairs, State of California issued a Decision finding Respondent guilty of acts of sexual abuse, misconduct or relations with a patient in violation of California Business and Professions Code §726 and guilty of gross negligence in violation of California Business and Professions Code §2234(b). Respondent's license to practice medicine in the State of California was revoked.

On or about October 5, 1989, after a petition for reconsideration was granted, the Board of Medical Quality Assurance, Department of Consumer Affairs, State of California issued a Decision After Reconsideration adopting its previous findings of guilt, revoking

Respondent's license to practice medicine and staying that revocation to become a seven year period of probation.

The conduct upon which the California findings were based would, if committed in New York State, constitute professional medical conduct in violation of N.Y. Educ. Law §6509(2) (McKinney 1985) (gross negligence) and Education Law §6509(9) (unprofessional conduct) as defined by 8 NYCRR 29.1(b)(5) (moral unfitness) and 8 NYCRR 29.4(a)(5)(i) (physical contact of a sexual nature between physician and patient).

DATED: Albany, New York

*May 1, 1990*

*Peter D. Van Buren*

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



**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**LEROY JARET**

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**CALENDAR NO. 10917**



# **The University of the State of New York**

IN THE MATTER

OF

**LEROY JARET**  
(Physician)

**DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 10917**

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Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10917, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (September 14, 1990):** That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of LEROY JARET, respondent, be accepted; that respondent is guilty of the specification contained in the statement of charges, by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be revoked upon the specification charged of which respondent has been found guilty; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

**and it is**

LEROY JARET (10917)

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, 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  
*September*, 1990.

*Thomas Sobol*  
Commissioner of Education