



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

January 3, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Laurent J. Kaleka, M.D.
5 Beacon Hill
Fairport, New York 14450

RE: License No. 157271

Dear Dr. Kaleka:

Enclosed please find Order #BPMC 97-1 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Harry Bronson, Esq.
Blitman and King, LLP
Powers Building, Suite 207
16 West Main Street
Rochester, New York 14614

Frederick Zimmer, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
LAURENT JEAN KALEKA, M.D. : BPMC #97-1

-----X

Upon the Application of LAURENT JEAN KALEKA, M.D.
(Respondent) for Consent Order, which Application is made a part
hereof, it is

ORDERED, that the Application 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 Respondent, upon receipt
by Respondent of this Order via certified mail, or seven days
after mailing of this Order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 31 December 1996

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION
OF : FOR
LAURENT JEAN KALEKA, M.D., : CONSENT
RESPONDENT : ORDER

-----X

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

LAURENT JEAN KALEKA, M.D., being duly sworn, deposes and
says:

That on or about January 31, 1984, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 157271 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice medicine in New York State for the period
of December 1, 1996 through November 30, 1998.

I understand that the New York State Board for Professional
Medical Conduct has charged me with sixteen 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 seventh specification in full
satisfaction of the charges against me and agree to the following
penalty;

I shall be placed on probation for a period of thirty six months. I shall fully comply with the probation terms which are attached and annexed hereto as Exhibit "B".

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

X

Laurent Jean Kaleka

LAURENT JEAN KALEKA, M.D.
RESPONDENT

Sworn to before me this

13th day of December, 1996.

Annette C. Fritz
NOTARY PUBLIC

Annette C. Fritz
Notary Public in the State of New York
Qualified in Monroe County No. 01F0000013
My Commission Expires January 28, 1998

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
LAURENT JEAN KALEKA, M.D., : CONSENT
RESPONDENT : ORDER
-----X

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

DATE: Dec 13, 1996

Laurent Jean Kaleka, M.D.
LAURENT JEAN KALEKA, M.D.
Respondent

DATE: December 13, 1996

Harry Bronson
HARRY BRONSON, ESQ.
Attorney for Respondent

DATE: December 17, 1996

Frederick Zimmer
FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: December 30 1996

Anne F. Saile
ANNE F. SAILE
~~ACTING~~ DIRECTOR
Office of Professional Medical
Conduct

DATE: 31 December 1996

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
LAURENT JEAN KALEKA, M.D., : CHARGES
Respondent :
-----X

LAURENT JEAN KALEKA, M.D., the Respondent, was authorized to practice medicine in New York State on January 31, 1984 by the issuance of license number 157271 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, on or about May 28, 1993, provided medical care as an anesthesiologist to Patient A, (all patients are identified in the attached Appendix), an eight year old male, at F.F. Thompson Hospital, Canandaigua, New York (hereinafter "F.F. Thompson Hospital"). Respondent's care of Patient A was deficient in the following respects:

1. Respondent caused Patient A to be administered an inappropriately large dose of Fentanyl via IV push.
2. Respondent failed to adequately personally monitor and/or to assure that Patient A was adequately monitored following the administration of the Fentanyl.

EXHIBIT A

B. Respondent, during the period of approximately December 3, 1992 through approximately December 9, 1992, provided medical care as an anesthesiologist to Patient B at F.F. Thompson Hospital. Respondent's care of Patient B was deficient in the following respects:

1. Respondent failed to adequately attend to Patient B during the period of December 6 through December 9, 1992.
2. Respondent knowingly and intentionally made entries into Patient B's medical record for the dates and times of December 6, 1992 at 7:10 a.m. and December 7, 1992 at 10:00 a.m. indicating that he attended to Patient B on those dates and times when in fact Respondent knew that he failed to attend to the patient on those dates and times.
3. Respondent knowingly and intentionally inserted entries into Patient B's medical record for the dates and times of December 6, 1992 at 7:10 a.m. and December 7, 1992 at 10:00 a.m. in a manner indictating that these entries were made contemporaneously with the dates and times noted on the entries when in fact the entries were not made until December 9, 1992 or thereafter.

C. Respondent, on or about September 29, 1992, provided medical care to Patient C as an anesthesiologist at F.F. Thompson Hospital. Respondent's care of Patient C was deficient in the following respects:

1. Respondent inappropriately left the Post Anesthesia Care Unit after delivering Patient C there.
2. Respondent failed to adequately attend to Patient C following her delivery to the Post Anesthesia Care Unit and/or upon her complaints of chest pain.

D. Respondent, on or about November 22, 1994, was interviewed by staff of the Office of Professional Medical

Conduct of the New York State Department of Health. At that interview, Respondent knowingly and intentionally represented that he returned in a timely manner to the Post Anesthesia Care Unit to examine Patient C following her complaints of chest pain on or about September 29, 1992 and/or that he personally attended to Patient C upon returning. Respondent knew that said representations were untrue.

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(4) (McKinney's Supp. 1996) by reason of his having practiced the profession with gross negligence on a particular occasion, in that Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A and A.2.
2. The facts in Paragraphs B and B.1.
3. The facts in Paragraph C and C.1 and/or C and C.2.

FOURTH THROUGH SIXTH SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE

Respondent is charged with having committed professional misconduct under N.Y. Law Educ. §6530(6) (McKinney Supp. 1996) by

reason of his having practiced the profession with gross incompetence, in that Petitioner charges:

4. The facts in Paragraphs A and A.1 and/or A and A.2.
5. The facts in Paragraphs B and B.1.
6. The facts in Paragraph C and C.1 and/or C and C.2.

SEVENTH SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE

ON MORE THAN ONE OCCASION

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(3) (McKinney Supp. 1996) by reason of his having practiced the profession with negligence on more than one occasion in that Petitioner charges that Respondent committed at least two of the following:

7. The facts in Paragraphs A and A.1, A and A.2, B and B.1, C and C.1 and/or C and C.2.

EIGHTH SPECIFICATION

PRACTICING THE PROFESSION WITH INCOMPETENCE

ON MORE THAN ONE OCCASION

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(5) (McKinney Supp. 1996) by reason of his having practiced the profession with incompetence on more than one occasion in that the Petitioner charges that the Respondent committed at least two of the

following:

8. The facts in Paragraphs A and A.1, A and A.2, B and B.1, C and C.1 and/or C and C.2.

NINTH THROUGH ELEVENTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp. 1996) by reason of his having practiced the profession fraudulently in that Petitioner charges:

9. The facts in Paragraphs B and B.2.
10. The facts in Paragraphs B and B.3.
11. The facts in Paragraph D.

TWELFTH THROUGH FOURTEENTH SPECIFICATIONS

MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530 (20) (McKinney Supp. 1996) by reason of his having committed conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

12. The facts in Paragraphs B and B.2.
13. The facts in Paragraphs B and B.3.
14. The facts in Paragraph D.

FIFTEENTH AND SIXTEENTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(32) (McKinney Supp. 1996) by reason of his having failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

15. The facts in Paragraphs B and B.2.

16. The facts in Paragraphs B and B.3.

DATED: *November 18,* 1996
Albany, New York

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

EXHIBIT B

TERMS OF PROBATION

1. LAURENT JEAN KALEKA, M.D., the 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, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180; 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 a local, state or federal agency, institution or facility, within thirty (30) days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation 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 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 probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
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 staff at practice locations or OPMC offices.
6. Respondent shall make available for review by OPMC and/or in OPMC's discretion, by a physician proposed by Respondent and approved in writing by the Director of OPMC, complete copies of any and all medical and office records selected by OPMC. Respondent shall fully cooperate in the review process.

7. Respondent shall remain drug/alcohol free.
8. Respondent shall remain active in self-help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
9. Respondent shall notify all treating physicians of any personal history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
10. Respondent shall practice only when monitored by qualified health care professional monitors ("sobriety monitor", "practice supervisor" and "therapist") proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.
11. Respondent shall ensure that the monitors are familiar with any dependency of Respondent on drugs/alcohol and that they are familiar with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
12. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days (7) a week, twenty-four (24) hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.
13. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than six times per month for the first twelve (12) months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g. AA/NA/Caduceus, etc.), twelve (12) step progress, etc.
14. Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position

to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within twenty-four (24) hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

15. Respondent shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to OPMC.
16. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
17. Respondent shall authorize the practice supervisor to have access to his patient records and cause the practice supervisor to submit quarterly written reports to the Director of OPMC regarding the quality of Respondent's medical practice. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, Respondent's prescribing practices, the supervisor's assessment of patient records selected for review, Respondent's physical and mental condition, general demeanor, time and attendance including any unexplained absences from work, other such on-duty conduct of Respondent as the supervisor deems appropriate to report and Respondent's compliance or failure to comply with any term of probation.
18. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.
19. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within twenty-four (24) hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.
20. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
21. Respondent shall comply with all requirements of Article 33 of the Public Health Law and of New York State Department of Health regulations, and shall meet as requested with OPMC to provide proof of compliance.
22. Upon request, Respondent shall provide OPMC access to or copies of all patient records, office records, hospital records, records of administration, dispensing and/or

prescribing of controlled substances, records of controlled substances purchases, official New York State triplicate prescription books, and any other records required under the law.

23. 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].
24. 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 violations of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.