



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

February 11, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Lehel Kadosa, M.D.  
7208 North Sterling Avenue  
Tampa, Florida 33614

William L. Wood, Esq.  
Wood & Sher  
The Harwood Building  
Scarsdale, New York 10583

Silvia Finkelstein, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plza - Sixth Floor  
New York, New York 10001-1810

**RE: In the Matter of Lehel Kadosa, M.D.**

Dear Dr. Kadosa, Mr. Wood and Ms. Finkelstein:

Enclosed please find the Determination and Order (No. BPMC-93-20) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must than be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the  
Administrative Review Board's Determination and Order.

Very truly yours,

*Tyrone T. Butler, nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X  
IN THE MATTER :

OF :

LEHEL KADOSA, M.D.  
-----X

HEARING  
COMMITTEE'S  
DETERMINATION

AND

: ORDER NO. BFMC-93-20  
-----X

A Notice of Hearing and Statement of Charges, both dated October 29, 1992, were served upon the Respondent, Lehel Kadosa, M.D. LEMUEL A. ROGERS, JR., M.D. (Chairperson), ALVIN RUDORFER, D.O. AND KENNETH KOWALD, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. BENJAMIN J. MIGLIORE, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on January 20, 1993. The Department appeared by Silvia F. Finkelstein, Associate Counsel. The Respondent appeared by Wood & Sher, William L. Wood, Esq. of Counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law §230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another

jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

#### **FINDINGS OF FACT**

The following findings of fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on October 24, 1980 by the issuance of license number 143971 by the New York State Education Department. The Respondent is not currently registered to practice medicine in the State of New York and was last registered with the New York State Education Department for the period ending December 31, 1982. (Pet. Ex. 1)

2. On December 7, 1991, the Florida Board of Medicine, Department of Professional Regulation issued an order approving a

Consent Agreement executed by the Respondent on September 11, 1991 and by the Board of Medicine on September 17, 1991. Under that Consent Agreement, Respondent agreed to a penalty consisting of a fine in the amount of \$3,500.00 (Three Thousand Five Hundred Dollars), a reprimand and an 18 (eighteen) month period of probation subject to specific restrictions and conditions.

3. Respondent exercised influence on a patient in such a manner as to exploit the patient for financial gain when he prescribed and administered steroids without any medical justification or necessity, in violation of Florida Statutes 458.331(1)(n). He exercised influence on such patient so as to exploit the patient for financial gain of the Respondent.

#### **CONCLUSIONS OF LAW**

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department had met its burden of proof. The preponderance of the evidence clearly demonstrated that Respondent's conduct in Florida, if committed in New York State, would constitute professional misconduct under N.Y. Education Law §6530(17), exercising undue influence on the patient including the promotion of the sale of services, goods, appliances, or drugs in such a manner as to exploit the patient for the financial gain of the Respondent.

As a result, the Hearing Committee sustained the specification of misconduct alleged in the Statement of Charges.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, based upon a split vote, determined that the Respondent should be issued a censure and reprimand and his triplicate prescription prescribing activities shall be monitored for a period of 18 (eighteen) months should he renew his New York State license within the next 2 (two) years. The minority believed that there was sufficient mitigation to offset the serious nature of the findings herein and since the Respondent does not intend to practice medicine in New York State, it would not be necessary to impose the additional sanction of monitoring triplicate prescription activities. However, the majority concluded that the more stringent penalty was appropriate.

The Hearing Committee determined that the Respondent made a genuine mistake in prescribing and administering the steroids under these circumstances. He stated in his testimony that he will never prescribe steroids under these circumstances in the future. He has also met the requirements of the Florida Board of Medicine under their Consent Order and his medical practice in Florida had not had any previous blemishes.

This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute,

including revocation, suspension and/or probation censure and reprimand, and the imposition of monetary penalties.



**ORDER**

Based upon the foregoing, it is hereby ordered that:

1. The specification of professional misconduct contained within the Statement of Charges (Pet. Ex. 1) is **sustained**; and

2. Respondent's license to practice medicine in New York State shall be subject to:

a) censure and reprimand; and that,

b) the Respondent's triplicate prescription prescribing activities shall be monitored for a period of 18 (eighteen) months should he renew his New York State license within the next 2 (two) years.

DATED: ROCHESTER, NEW YORK  
February 5, 1993



LEMUEL A. ROGERS, JR., M.D.  
Chairperson

Alvin Rudorfer, D.O.  
Kenneth Kowald

TO: William L. Wood, Esq.  
Wood & Sher  
The Harwood Building  
Scarsdale, New York 10583

Lehel Kadosa, M.D.  
7208 North Sterling Avenue  
Tampa, Florida 33614

Silvia Finkelstein, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

A P P E N D I X I

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

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IN THE MATTER  
OF  
LEHEL KADOSA, M.D.

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: LEHEL KADOSA, M.D.  
7208 North Sterling Avenue  
Tampa, Florida 33614

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1992, as amended by ch 37, Laws of 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 1st day of December, 1992 at 2:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

PLAINTIFF'S  
DEFENDANT'S  
COMPANY'S  
DEPARTMENT'S

**EXHIBIT** 1

PETITIONER'S for identification  
RESPONDENTS in evidence

DATE 1/20/93 REPORTER MC  
STERLING REPORTING SERVICE, INC.

1/20/93

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. **Such** evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. **Where** the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to Larry Storch, Administrative Law Judge, New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, as well as the Department of Health attorney indicated below, on or before November 20, 1992 .

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with Judge Storch at the address indicated above on or before November 20, 1992 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no


charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Judge Storch at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE  
AND/OR IMPOSES A FINE FOR EACH OFFENSE  
CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY  
TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York  
October 29, 1992

A handwritten signature in black ink, appearing to read "CL- D H", is written over a horizontal line.

CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Silvia P. Finkelstein  
Associate Counsel  
Bureau of Professional Medical Conduct  
New York State Department of Health  
5 Penn Plaza, 6th Floor  
New York, New York 10001  
212 613-2615

*Ekh.*

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

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IN THE MATTER  
  
OF  
  
LEHEL KADOSA, M.D.

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STATEMENT  
  
OF  
  
CHARGES

LEHEL KADOSA, M.D., the Respondent, was authorized to practice medicine in New York State on October 24, 1980 by the issuance of license number 143971 by the New York State Education Department. The Respondent is not currently registered to practice medicine in the State of New York. Respondent was last registred with the New York State Education Department for the period ending December 31, 1982. Respondent resides at 7208 North Sterling Avenue, Tampa, Florida 33614.

**FIRST SPECIFICATION**

1. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530 (9)(d) (McKinney Supp. 1992) in that he has had disciplinary action taken against his license, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving the license would, if committed in New York State, constitute professional misconduct as defined by N.Y. Educ. Law Sec. 6530 (17), (McKinney Supp. 1992), specifically

(A) On December 7, 1991, the Florida Board of Medicine, Department of Professional Regulation issued an order approving and adopting a Consent Agreement executed by Respondent on September 11, 1991 and by the Board of Medicine on September 17, 1991, whereby Respondent agreed to a penalty consisting of a fine in the amount of \$3,500.00 (Three Thousand Five-Hundred dollars), a reprimand, and that Respondent's license be placed on probation for a period of 18 months subject to specified restrictions and conditions.

Respondent entered into the above described consent order after a disciplinary action was instituted by the State of Florida Board of Medicine pursuant to an Administrative Complaint dated March 6, 1991, which contained allegations against Respondent which included the following:

- (i) Respondent exercised influence on the patient in such a manner as to exploit the patient for financial gain when he prescribed and administered steroids to Patient No. 1 without any medical justification or necessity, in violation of Florida Statutes 458.331(1)(n), by exercising influence on the patient in such manner as to exploit the patient for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

The above conduct if committed in New York State would constitute professional misconduct under N.Y. Educ. Law 6530(17), exercising undue influence on the patient,



including the promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the licensee or of a third party.

DATED: New York, New York  
October 29, 1992

A handwritten signature in cursive script, appearing to read "Chris Stern Hyman", is written over a horizontal line.

CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct