



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

August 22, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David Bacha, D.O.
180 Engle Street
Englewood, New Jersey 07621

RE: License No. 149461
Effective Date: 08/29/95

Dear Dr. Bacha:

Enclosed please find Order #BPMC 95-184 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

cc: Joseph Gorrell, Esq.
Brach, Eichler, Rosenberg, Silver, Bernstein, Hammer & Gladstone
101 Eisenhower Parkway
Roseland, New Jersey 07068-1067

Jean Bresler, Esq.

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

IN THE MATTER
OF

David Michael Bacha, D.O.

CONSENT
ORDER

BPMC #95-184

Upon the application of David Michael Bacha, D.O. (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: 17

17 August 1995
CV

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
David Michael Bacha, D.O.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW JERSEY)
COUNTY OF) ss.:

David Michael Bacha , D.O., being duly sworn, deposes and says:

That on or about April 9, 1982, I was licensed to practice as a physician in the State of New York, having been issued License No. 149461 by the New York State Education Department.

My current address is 180 Eagle St, Englewood, ^(Engle) New Jersey and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with Two 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 First and Second specifications, in full satisfaction of the charges against me. I hereby agree To the Penalty of Three Years Probation. The terms of probation are included in Exhibit B, are annexed to this consent application and made a part of this application. Said probation is stayed until such time as I practice Medicine in the State of New York.

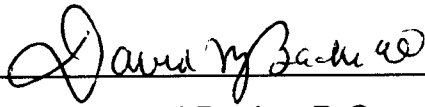
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



David Michael Bacha, D.O.
RESPONDENT

Sworn to before me this
28th day of July, 1995


A NJ NOTARY PUBLIC
COMM. EXPIRES 4-21-96

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

**IN THE MATTER
OF
David Michael Bacha, D.O.**

**APPLICATION
FOR
CONSENT ORDER**

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

DATE: _____ David Michael Bacha
David Michael Bacha, D.O.
Respondent

DATE: _____ Joseph M. Gorrell
Joseph M. Gorrell, ESQ.
Attorney for Respondent

DATE: 8/3/95 _____ Jean Bresler
Jean Bresler
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: August 11, 1995

Anne Sule
for KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 17 August 1995

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

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

IN THE MATTER
OF (BACHA)
DAVID MICHAEL BACKHA, D.O.

STATEMENT
OF
CHARGES

(BACHA)
DAVID MICHAEL BACKHA, D.O., the Respondent, was authorized to practice medicine in New York State on or about April 9, 1982, by the issuance of license number 149461 by the New York State Education Department.

FIRST SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(d)(McKinney Supp. 1995) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would of committed in New York State, constitute misconduct under the laws of New York State, in that:

On or about October 15, 1993, the Respondent entered into a consent agreement and an order was issued by the State of New Jersey Board of Medical Examiners. The order was based upon Respondent's admissions that he engaged in fraudulent diversion of controlled dangerous substances including, Demerol, issued fraudulent prescriptions for controlled dangerous substances in the names of his wife, two patients, himself and a deceased individual, all for his own personal use, without any medical justifications. In addition,

Respondent admitted that he destroyed the purchase and inventory records regarding his controlled dangerous substance purchase and use. The New Jersey Board found that this conduct violated of N.J.S.A. Section 45:1-21(b) the employment of dishonesty, fraud and deception. This conduct if committed in New York would constitute violation of N.Y. Educ. Law Section 6530(2) practicing the profession fraudulently.

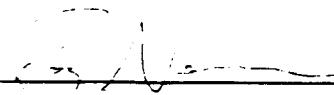
The State of New Jersey suspended Dr. Backha's license for two (2) years, stayed it in entirety, and placed him on probation. He was required to pay costs of \$1,713.00 and a civil penalty of \$2,500. He was required to complete a course in the use and abuse of Controlled Dangerous Substances. Respondent was to insure continuing reports be provided to the Board, by the Physicians Health Program including urine monitoring.

SECOND SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b)(McKinney Supp. 1995), in that he was found guilty of improper professional practice by a duly authorized professional disciplinary

agency of another state where the conduct if committed in New York constitute misconduct in this state. The petitioner repeats and re-alleges the facts contained in the First Specification of Charges.

DATED: New York, New York
May 10, 1995



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. David Michael Bacha, D.O., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent 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 Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or 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;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. Prior to his engaging in the practice of medicine in the State of New York, Respondent shall be evaluated at his own expense, by a drug and alcohol treatment specialist, approved in advance by the Director of the Office of Professional Medical Conduct and he shall abide by any recommendation(s) made as a result of said evaluation including but not limited to random urine drug screens, therapy, and obtaining a

practice supervisor approved in advance by the Office of Professional Medical Conduct. Respondent agrees that said therapist and practice supervisor shall make periodic reports to the Office of Professional Medical Conduct during the period of probation.

8. During the period of probation Respondent will remain drug and alcohol free.
9. During the period of probation, Respondent shall not prescribe for himself or any family member.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
11. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.