

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Office of Professional Discipline, A.V. Zogg Bldg, 800 Fourth Street, Room 317, Liverpool, New York 13088
Phone (315) 453-3124 Fax (315) 453-3133

November 13, 1998

Conrado Mancao, Physician
44 Thayer Place
Staten Island, New York 10306

Re: Application for Restoration

Dear Dr. Mancao:

Enclosed please find the Commissioner's Order regarding Case No. 98-109-60 which is in reference to Calendar No. 0016488. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*
Gustave Martine
Supervisor

cc: Lawrence Tabak
Kern, Augustine, Conroy & Schoppmann
420 Lakeville Road
Lake Success, New York 11042

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MEDICAL CONDUCT

The University of the State of New York
Education Department



IN THE MATTER

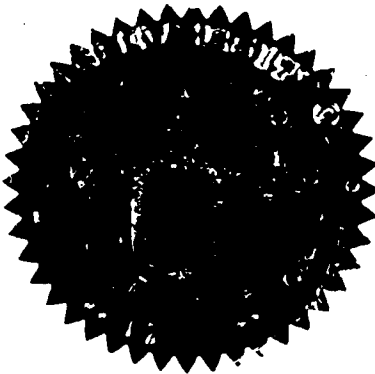
of the

Application of CONRADO MANCAO
for restoration of his license to practice
medicine in the State of New York


Case No. 98-109-60

It appearing that the application to surrender the medical license of CONRADO MANCAO, 44 Thayer Place, Staten Island, New York 10306, having been accepted by action of the New York State Board for Professional Medical Conduct effective January 27, 1992, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on September 18, 1998, it is hereby

ORDERED that, effective upon petitioner providing evidence of successful completion of the SPEX of the Federation of State Medical Examiners, the order accepting the application to surrender License No. 111416, authorizing CONRADO MANCAO to practice medicine in the State of New York, shall be stayed, and that thereafter, CONRADO MANCAO shall be placed on probation for a period of three years under the terms and conditions recommended by the Peer Review Panel.



IN WITNESS WHEREOF, I, RICHARD P. MILLS,
Commissioner of Education of the State of New York,
for and on behalf of the State Education Department,
do hereunto set my hand and affix the seal of the State
Education Department at the City of Albany, this 20th
day of October, 1998.


Commissioner of Education

Case No. 98-109-60

It appearing that the application to surrender the medical license of CONRADO MANCAO, 44 Thayer Place, Staten Island, New York 10306, having been accepted effective January 27, 1992, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on September 18, 1998, it was

VOTED that effective upon petitioner providing evidence of the successful completion of the SPEX of the Federation of State Medical Examiners, the order accepting the surrender of License No. 111416, authorizing CONRADO MANCAO to engage in the practice of medicine in the State of New York, be stayed, and that thereafter, CONRADO MANCAO is placed on probation for a period of three years under the terms and conditions recommended by the Peer Review Panel.

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Medical License

Re: **Conrado Mancao**

Attorney: Lawrence Tabak

Conrado Mancao, 44 Thayer Place, Staten Island, New York 10306, petitioned for restoration of his medical license. The chronology of events is as follows:

- 01/25/72 Issued license number 111416 to practice medicine in New York State.
- 05/30/91 Pled guilty in United States District Court for the Eastern District of New York to violation of 21 USC 841(b)(2), distributing and dispensing by means of prescriptions, Placidyl a schedule IV controlled substance.
- 12/30/91 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 12/30/91 Applied to surrender license to practice medicine.
- 01/27/92 Order of the New York State Board for Professional Medical Conduct for surrender of medical license effective.
- 02/10/95 Petition for restoration submitted.
- 12/12/97 Peer Review Panel restoration review.
- 03/09/98 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 05/27/98 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached Application to Surrender License.) On December 30, 1991, Dr. Mancao applied to the State Board for Professional Medical Conduct to surrender his license. The Department of Health had charged him with

committing professional misconduct as a result of his conviction of committing an act constituting a crime under Federal Law. On May 30, 1991, in United States District Court for the Eastern District of New York, Dr. Mancao pled guilty to the charge of knowingly, intentionally and unlawfully distributing and dispensing a Scheduled IV controlled substance, Placidyl, to a nonpatient without legitimate medical purpose and without performing a bona fide medical examination in violation of 21 U.S.C. Section 841(b)(2). Dr. Mancao had been indicted on 31 counts, but pled guilty to only this one count. The court record indicates that the individual to whom he dispensed Placidyl was an undercover agent who was a drug addict or an individual who was going to resell the substance to drug addicts. The Court sentenced him to 27 months incarceration, followed by three years supervised release, and a \$6,000 fine.

Dr. Mancao admitted guilt to the specification of professional misconduct and the State Board for Professional Medical Conduct issued its Order adopting the surrender, effective January 27, 1992. Dr. Mancao submitted his petition for restoration of his medical license on February 10, 1995.

Recommendation of the Peer Review Panel. (See attached report of the Peer Review Panel.) The Peer Review Panel (Hannan; Cordice, Jr.; Jordan) met on December 12, 1997. In its report dated March 9, 1998, the Panel recommended, by a vote of 2 to 1, that the surrender of Dr. Mancao's license be stayed and that he be placed on probation for three years under the terms of probation annexed to its report and marked as Exhibit "A." The probation terms include the requirements of only practicing medicine in a structured employment setting under supervision and completion of 50 Continuing Medical Education credits during each year of the probationary period. The dissenting member believes that Dr. Mancao has not shown adequate remorse, rehabilitation and reeducation to warrant the restoration of his license.

Recommendation of the Committee on the Professions. On May 27, 1998, the Committee on the Professions (Duncan-Poitier, Ahearn, Templeman) met with Dr. Conrado Mancao to consider his petition for the restoration of his license to practice as a physician in New York State. Lawrence Tabak, his attorney, and Norma Mancao, his wife, accompanied him. Dr. Mancao presented the Committee with documentation of recent Continuing Medical Education courses he completed and a summary of all courses completed since August 1997.

The Committee asked Dr. Mancao to explain why he lost his license. He replied, "I made a big mistake." He said that he had prescribed sleeping pills for a patient who was a former drug addict who was having difficulty sleeping because of his withdrawal from drugs. He reported that this patient returned and said that he had other friends who were former drug addicts who needed similar prescriptions so that they could get relief and not start using drugs again. He said he wrote these prescriptions for two months to names provided by the patient. He stated that he did so only on the condition

that the individuals would come in as patients so that he could examine them. Dr. Mancao indicated that although the "patients" never came to see him, he continued to write prescriptions for them and provide them to this one patient who was acting as a middleman. Dr. Mancao says he knew what he was doing was wrong, and during the third month he told his patient that he would no longer give him prescriptions with the names of unknown individuals. He told the Committee that the patient then threatened to report him, and he became frightened and afraid he would lose his physician's license. He stated that he also feared for his and his family's safety. Dr. Mancao said he felt physically intimidated by the patient, and Mrs. Mancao reported that at one time she called the police because the patient was demanding Placidyl and "went through me," banging through the reception area into Dr. Mancao's office, interrupting him and demanding drugs. She indicated that this was at a time when they were getting a lot of crank telephone calls. Dr. Mancao said that the patient apparently became an informant for the DEA, leading to Dr. Mancao's indictment for writing 29 false prescriptions over a seven-month period. He indicated that the drugs included Placidyl (sleeping medication), Didrex (a stimulant, often used for weight loss), and Tuinal (sleeping medication). He said that the total value of the prescriptions was about \$5,000. Dr. Mancao told the Committee that he tried to avoid the patient, but he kept pestering him and disturbed his office schedule and patients. The Committee noted that the sentencing judge doubted Dr. Mancao's claim that the names did not come from the Doctor's files. Dr. Mancao stated, "The names did not come from my file. He gave me a couple at a time. That's how it happened. I know it's difficult to believe."

The Committee asked Dr. Mancao what would be different if his license were restored. He replied that at this stage in his life, he would not be intimidated by a patient's physical or verbal threats. He said he now has nothing to be afraid of and was prepared to defend his integrity. In response to the Committee's inquiry as to why he initially agreed to write the prescriptions, Dr. Mancao said that many of his patients were drug addicts or former drug addicts. He indicated that during the time period in question, crack was getting popular. He stated that in his neighborhood young people were having heart attacks and strokes and some died in the gutters as a result of taking crack. He told the Committee that he thought his giving of the prescriptions might be a way of preventing the use of crack with its inherent risks, but now knows it was the wrong way to proceed. He explained that the law requires you to carefully examine a patient before prescribing medication because there are always side effects and that without a diagnosis the physician has no way of knowing if the drug prescribed is the right one. Dr. Mancao stated that he realizes that by writing those prescriptions he was really supporting the drug addicts' habits, not helping them. He said, "You really must talk with a patient." He reported that he had practiced for 23 years with no actions taken against him and "had never done that before." He told the Committee that his patients were very supportive of him and many of them wrote letters in support of the restoration of his license.

Dr. Mancao described his efforts to remain current in medicine and his

community service activities. He stated that if his license were restored he would like to work in a clinic or nursing home and had no interest in private practice.

The Committee asked Dr. Mancao if the people for whom he wrote the prescriptions really existed and either died or were harmed due to said side effects from the prescription drugs, would he be asking for his license back. He replied, "No." He said that his shame would have stopped him from considering practicing medicine again. Dr. Mancao said he made an oath not to harm or cause harm.

Dr. Mancao told the Committee that he studied computers because he couldn't get a job because of his conviction. He indicated that he has tried to prepare himself to become a physician again. Mr. Tabak summarized his reasons why he felt Dr. Mancao should have his physician license restored.

The Committee concurs with the observation of the Peer Review Panel majority that Dr. Mancao has shown true remorse for his past actions and is very unlikely to commit such actions again. Similarly, the Committee agrees that Dr. Mancao has demonstrated that his family and religion provide a support group for him. The Committee notes that Dr. Mancao practiced for 23 years without incident and the misconduct is based upon a six-month period involving a single patient. The Committee found that Dr. Mancao was clearly remorseful in both his demeanor and tenor. The Committee finds that he demonstrated a clear understanding of what he did, the danger in which he placed people, and accepts full responsibility for his actions. The Committee did not find any indication that Dr. Mancao's actions were profit-driven and that even though they may have been totally misguided, his actions were based upon a motivation to help people. The Office of Professional Medical Conduct (OPMC) did not support Dr. Mancao's application because at the time (March 15, 1995) he was still on supervised release and OPMC did not believe a physician's medical license should be restored until all terms of a criminal sentence had been completed. Dr. Mancao has now satisfied all those terms. The Peer Review Panel majority recommended that Dr. Mancao complete a substantial amount of continuing education during each year of the probation period. The Committee agrees with this recommendation but believes that Dr. Mancao should satisfactorily pass the Special Purposes Examination (SPEX) of the Federation of State Medical Boards before the surrender is stayed and he is permitted to practice. Dr. Mancao has not practiced since early in this decade, and the Committee feels an assessment of his clinical competencies is essential to ensure that the public is protected.

Therefore, after a complete review of the record, including Dr. Mancao's personal interview with the Committee on the Professions, the Committee voted unanimously to concur with the majority of the Peer Review Panel that the execution of the surrender of Dr. Mancao's license to practice as a physician in the State of New York be stayed and that he be placed on probation for a period of three years under the terms of probation annexed to the Peer Review Panel Report and labeled Exhibit "A."

However, the Committee voted that the stay of the surrender shall take effect upon Dr. Mancao's successful passing of the Special Purposes Examination (SPEX) of the Federation of State Medical Boards.

Johanna Duncan-Poitier, Chair

Kathy Ahearn

Leslie Templeman