



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

Paula Wilson
Executive Deputy Commissioner

January 19, 1994

VIA CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Terrence Sheehan, Esq.
Associate Counsel
NYS Department of Health
5 Penn Plaza, 6th Floor
New York, New York 10001

Raymond Nadell, M.D.
53 Marlborough Road
Brooklyn, New York 11226

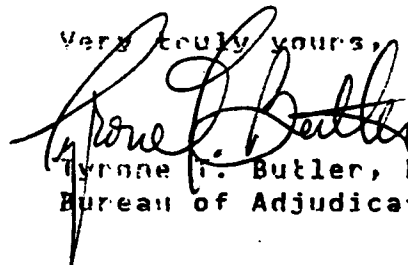
David W. Windley, Esq.
224 Atlantic Avenue
Brooklyn, New York 11201

RE: In the Matter of Raymond Nadell, M.D.

Dear Mr. Sheehan, Mr. Windley and Dr. Nadell:

Enclosed please find the Interim Order in the above-referenced matter.

Very truly yours,


Tyrone F. Butler, Director
Bureau of Adjudication

TTB/crc

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

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IN THE MATTER :
OF : INTERIM ORDER
RAYMOND NADELL, M.D. :
-----X

I have reviewed the transcript pages constituting the Report of the Hearing Committee in the issue of Imminent Danger in this matter, the Committee's finding that Raymond Nadell, M.D., Respondent, does present an imminent danger to the health of the people of the State of New York, and the Hearing Committee's recommended action that the Summary Order prohibiting Raymond Nadell, M.D. from practicing medicine in the State of New York remain in effect.

Now, upon reading and filing the transcript of the hearing, the exhibits, and other evidence introduced at the hearing, the conclusions and recommendations of the Hearing Committee as set forth in the hearing transcript dated December 28, 1993,

I HEREBY ORDER THAT:

The Summary Order, dated November 2, 1993, imposed upon Respondent, Raymond Nadell, M.D., shall remain in effect, pending the final resolution of this matter.

DATED: Albany, New York

January 13, 1994



MARK R. CHASSIN, M.D.
Commissioner of Health
State of New York

TO: Terrence Sheehan, Esq.
Associate Counsel
New York State Department of Health
5 Penn Plaza, 6th Floor
New York, New York 10001

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2 is my hope that they will be able to reach a
3 determination on the question of imminent danger
4 today and place that on the record for the parties
5 before the close of business today. If that does
6 not work out, I will inform you of that.

7 MR. WINDLEY: You want us to remain
8 here on the premises until--

9 JUDGE STORCH: In the building, yes,
10 preferably on the 6th floor. As near as I can
11 tell, all the other conference rooms are not in use
12 today, so you can make yourself comfortable or go
13 downstairs to the coffee shop and have a cup of
14 coffee or something like that, but I want you to
15 stick around because it is my goal to have the
16 deliberations on this matter concluded today.

17 With that said, we will recess the
18 hearing and close the record for the moment.

19 (Executive session from 2:44 p.m. to
20 3:10 p.m.)

21 THE CHAIRPERSON: We're on the record,
22 Paula.

23 The hearing committee, following our
24 discussions this afternoon, have concluded that we
25 will recommend through the Commissioner of Health

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sustaining and maintaining the suspension of Dr. Nadell's license to practice medicine in the State of New York, for the reason of posing an imminent danger to the citizens of the State of New York.

Dr. Nadell's practice of ignoring other than psychiatric aspects of his patients' problems, feeling no necessity to contact other physicians who simultaneously were involved in the treatment of his patients, who may have been prescribing drugs that may have been incompatible or may not have been, but it's the opinion of the panel that it was Dr. Nadell's responsibility to determine what else his patients were receiving in the way of medication from other physicians.

In Dr. Nadell's own record of a patient with a subdural hematoma, where one under no circumstances would describe any psychotropic or mind-altering drugs that might mask the symptomatology, neurologic and otherwise, of a patient with a cerebellar hematoma, I think is an example of a lack of responsibility with regard to the medical aspects of Dr. Nadell's patients.

It's very difficult from the point of

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view of credibility to accept that it is purely chance that Dr. Nadell's patients, as reflected in the testimony that the hearing panel has heard, communicated among themselves about his availability for prescribing, especially given the similarity of the history in Dr. Nadell's own records of prescriptions' being lost, burned, and disappearing, confiscated. It's difficult to accept the fact that Dr. Nadell as a psychiatrist is comfortable with hearing that his patients are sharing their medications with other members of their family about whom he knows nothing except by hearsay.

It's I think rational to give credibility to Dr. Campbell's review of the patients about whom we have heard. Dr. Campbell may be an administrator at Gracie Square Hospital, but he is also a practicing psychiatrist with much experience. And, facing the question of credibility, I think that the hearing panel weighs the credibility of Dr. Campbell very, very heavily, and I think appropriately.

I think--we think, rather, that the testimony of the sole patient we have heard, Patient H, despite everything else about her, her

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2 being a drug addict or having been a drug addict,
3 being on methadone, what have you, was an extremely
4 credible testimony.

5 We think that Dr. Nadell's own records,
6 in contrast to his testimony about those records,
7 made us feel that his testimony was less credible
8 and I would say, on behalf of the panel, a rather
9 facile way of explaining away the challenges and
10 questions posed to him about his manner of both
11 psychoanalytic and psychiatric practice and in
12 general his practice as a physician.

13 And it is for these reasons that the
14 hearing panel feels that it is appropriate for us
15 to recommend to Dr. Chassin, the Commissioner of
16 Health, that his summary suspension order be
17 continued.

18 JUDGE STORCH: All right. With that
19 said, I will just for form inquire of the other
20 members of the hearing committee, is this a
21 unanimous decision on the matter of imminent danger?

22 MR. SHAPIRO: It is as far--yes, it is.

23 JUDGE STORCH: Dr. Spritz?

24 DR. SPRITZ: Yes, I concur.

25 JUDGE STORCH: Dr. Wainfeld?

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2 THE CHAIRPERSON: Yes.

3 JUDGE STORCH: All right. What will
4 happen from here is, I am requesting an expedited
5 copy of today's transcript. I will prepare an
6 interim order, codifying the recommendation of the
7 hearing committee, and will attach to that the page
8 of the transcript constituting the committee's
9 report on imminent danger. That will be forwarded
10 to the Commissioner of Health for his signature.
11 Assuming he adopts that interim order, it will be
12 signed and served on the parties.

13 The hearing committee has scheduled
14 deliberations on the final charges for January 14,
15 1994. Parties are not present at the deliberations.
16 That's just the members of the hearing committee
17 and myself. We want the parties to submit proposed
18 findings of fact, conclusions of law, and
19 recommended sanction if any, to be submitted in
20 writing to me by the close of business on January
21 11, 1994. That's two weeks from today.

22 MR. WINDLEY: You said--

23 JUDGE STORCH: It's proposed findings
24 of fact, conclusions of law, and the recommended
25 disposition. They are to be forwarded to me, an