



Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

February 4, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Hector M. Pachas, M.D.
215 W. 110th Street
New York, New York 10025

RE: License No. 095535
Effective Date: 2/11/93

Dear Dr. Pachas:

Enclosed please find Order #BPMC 93-15 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 12237-0614

Sincerely,

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

Enclosure

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

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IN THE MATTER :
OF : ORDER
HECTOR M. PACHAS, M.D. : BPMC 93-15

-----X

Upon the application of Hector M. Pachas, 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: 29 January 1993

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
: APPLICATION
IN THE MATTER :
OF : FOR
: CONSENT
HECTOR M. PACHAS, M.D. :
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

HECTOR M. PACHAS, M.D., being duly sworn, deposes and
says:

That on or about September 30, 1965, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 95535 by the New York State Education
Department.

I am currently registered with the New York State
Education Department to practice as a physician in the State of
New York for the period January 1, 1991, to December 31, 1992,
at 215 W. 101st Street, New York, New York.

I understand that the New York State Board of Professional
Medical Conduct has charged me with eight 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 specification in the Statement of Charges with respect to the facts in paragraphs A and A1 through A4, and B and B1 through B5, and C and C1 through C7, and D and D1 through D6, and E and E1 through E5, and F and F1 through F7, in full satisfaction of the charges against me.

I hereby agree to the penalty of a three year suspension, stayed, with supervised probation beginning when the order is served and ending two years after the successful completion of the retraining program referred to in the terms of probation attached 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.

Hector Pachas M.D.

HECTOR M. PACHAS, M.D.
RESPONDENT

Sworn to before me this
20th day of JANUARY, 1993.

Robert S. Aswer

NOTARY PUBLIC

ROBERT S. ASWER
Notary Public, State of New York
Commission Expires 12/31/94

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
HECTOR M. PACHAS, M.D. : CONSENT
: 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: JAN 20, 1993

Hector Pachas MD

HECTOR M. PACHAS, M.D.
RESPONDENT

Date: JAN 20, 1993

Robert S. Asher

ROBERT S. ASHER, ESQ.
ATTORNEY FOR RESPONDENT

Date: JAN 21, 1993

Denise Lepicier

DENISE LEPICIER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: February 2, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 29 January 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "B"

TERMS OF PROBATION

1. HECTOR M. PACHAS, M.D., during the period of probation, 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 imposed by law and by his 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 Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, 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, no later than 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, within the first three months of the period of probation, shall complete the evaluation phase of the Physician Prescribed Educational Program (PPEP), Department of Family Medicine, 475 Irving Avenue -200, Syracuse, N.Y. 13210. Dr. William D. Grant, Director of the PPEP, shall inform Kathleen M. Tanner, Director of the Office of Professional Medical Conduct (OPMC), of Respondent's

satisfactory completion of the evaluation phase of the program.

6. Upon successful completion of the evaluation phase of the PPEP, and within six months of the commencement of the period of probation, Respondent shall enroll in an appropriate program at one of the participating hospitals in the New York City area for completion of a course of retraining consistent with the findings made in the evaluative phase. Respondent shall remain enrolled and shall fully participate in the retraining program for a period of not less than one year.
7. During the retraining phase, the preceptor assigned to Respondent:
 - a. Shall submit monthly reports to OPMC certifying that Respondent is fully participating in the retraining program;
 - b. Shall promptly report to OPMC any significant pattern of absences by Respondent;
 - c. Shall immediately report to OPMC if Respondent withdraws from the program;
 - d. Shall acknowledge in advance his/her willingness to comply with the above mentioned reporting by executing the acknowledgement provided by OPMC;
8. During the period of probation, Respondent's private practice shall be monitored by a licensed physician who shall review Respondent's professional performance and practice, and who:
 - a. Shall be selected by the Respondent, subject to the approval of the Director of OPMC;
 - b. Shall be familiar with the terms of probation contained herein;
 - c. Shall meet bi-weekly with the Respondent to discuss his private practice and review randomly selected office patient records and evaluate whether Respondent's care and treatment comport with generally accepted standards of medical practice;
 - d. Shall not be a personal friend, nor a relative, of Respondent;
 - e. Shall submit to OPMC monthly reports during the first twelve months of probation, and

thereafter quarterly reports, regarding the quality of Respondent's medical practice and his compliance with the Terms of Probation.

- f. Shall immediately report to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation.
 - g. Shall acknowledge his/her willingness to comply with the above mentioned monitoring and reporting by executing the acknowledgement provided by OPMC;
- 9. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
 - 10. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
 - 11. 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.

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

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IN THE MATTER	:	STATEMENT
OF	:	OF
HECTOR M. PACHAS, M.D.	:	CHARGES

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HECTOR M. PACHAS, M.D., the Respondent, was authorized to practice medicine in New York State on September 30, 1965, by the issuance of license number 95535 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991, to December 31, 1992, at 215 W. 101st Street, New York, New York.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a 27 year old female, at his office at 215 W. 101st Street, New York, New York, from on or about March 2, 1990, to on or about March 22, 1990. (Patient A and all other patients are identified in the attached appendix.) Respondent's care and treatment of Patient A deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
 2. Respondent failed to perform or note an adequate physical exam.
 3. Patient A had mild edema of the lower extremities. Respondent failed to treat or follow up on this symptom.
 4. Respondent treated Patient A with Furosemide, Ipecac Syrup, Plegine, Thyroid extract and Hydrochlorothiazide. Respondent's treatment of Patient A was inappropriate.
- B. Respondent treated Patient B at his office at 215 W. 101st Street, New York, New York, from on or about March 1, 1983, to on or about March 16, 1990. Respondent's care and treatment of Patient B deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
2. Respondent failed to perform or note an adequate physical exam.
3. Respondent had edema of her legs. Respondent failed to treat or follow up on this symptom.
4. Respondent failed to accurately note the names, strengths or frequencies of the medications he prescribed or dispensed. Respondent failed to accurately note his evaluation and the treatment given.
5. From on or about March 1, 1983, to on or about June 17, 1983, and from on or about May 14, 1986, to on or about June 19, 1986, and from on or about February 3, 1990, to on or about March 16, 1990, Respondent treated Patient B with Mersalyl, Ipecac Syrup, Plegine, Thyroid extract, Hydrochlorothiazide, Ionamin, Enduron,

"clonamid black", Furosemide, and "white" and "gray" pills. Respondent's treatment of Patient B was inappropriate.

C. Respondent treated Patient C, a 39 year old female, at his office at 215 W. 101st Street, New York, New York, from on or about January 9, 1989, to on or about October 4, 1989. Respondent's care and treatment of Patient C deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
2. Respondent failed to perform or note an adequate physical exam.
3. Respondent failed to accurately note the names, strengths or frequencies of the medications he prescribed or dispensed. Respondent failed to accurately note his evaluation and the treatment given.

4. Patient C's physical exam revealed a blood pressure of 160 over 100. Respondent failed to treat or follow up on Patient C's elevated blood pressure.
5. Respondent treated Patient C with Furosemide, Ipecac Syrup, Plegine, Thyroid extract, Hydrochlorothiazide, "black caps", "pink tabs", "Iona blue and yellow tablets", "green" pills, "white" tabs, and "Iona yellow caps". Respondent's treatment of Patient C was inappropriate.
6. On or about April 15, 1989, Respondent noted Patient C had a hiatal hernia and anemia. Respondent failed to treat or follow up on Patient C's conditions.
7. On or about July 28, 1989, Patient C's urinalysis revealed protein and a trace of

glucose. Respondent failed to treat or follow up on Patient C's abnormal urinalysis findings.

D. Respondent treated Patient D, a 59 year old female, at his office at 215 W. 101st Street, New York, New York, from on or about January 18, 1990, to on or about February 1, 1990. Respondent's care and treatment of Patient D deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
2. Respondent failed to perform or note an adequate physical exam.
3. Respondent failed to accurately note the names, strengths or frequencies of the medications he prescribed or dispensed. Respondent failed to accurately note his evaluation and the treatment given.

4. Patient D complained of feeling tired and of having pain in her neck and chest. Respondent failed to follow up or treat Patient D's complaints.
 5. Patient D had an elevated cholesterol. Respondent failed to follow up or treat Patient D's elevated cholesterol.
 6. Respondent treated Patient D with Furosemide, Ipecac Syrup, Thyroid extract, Hydrochlorothiazide, Plegine and "green" pills. Respondent's treatment of Patient D was inappropriate.
- E. Respondent treated Patient E, a 32 year old female, at his office at 215 W. 101st Street, New York, New York, from on or about January 23, 1988, to on or about February 19, 1988. Respondent's care and treatment of Patient E deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
2. Respondent failed to perform or note an adequate physical exam.
3. Respondent failed to accurately note the names, strengths or frequencies of some of the medications he prescribed or dispensed. Respondent failed to accurately note his evaluation and the treatment given.
4. Patient E complained of abdominal burning and pain. Respondent failed to follow up or treat Patient E's complaint of abdominal burning and pain.
5. Respondent treated Patient E with Furosemide, Ipecac Syrup, Plegine, Thyroid extract, Hydrochlorothiazide, and Ionamin. Respondent's treatment of Patient E was inappropriate.

F. Respondent treated Patient F, a 42 year old female, at his office at 215 W. 101st Street, New York, New York, from on or about September 5, 1989, to on or about June 15, 1990. Respondent's care and treatment of Patient F deviated from acceptable medical standards in that:

1. Respondent failed to obtain or note an adequate history.
2. Respondent failed to perform or note an adequate physical exam.
3. Respondent failed to accurately note the names, strengths or frequencies of the medications he prescribed or dispensed. Respondent failed to accurately note his evaluation and the treatment given.
4. Patient F had an elevated cholesterol. Respondent failed to treat or follow up on Patient F's elevated cholesterol.

5. Respondent noted that Patient F had an enlarged heart. Respondent failed to treat or follow up on Patient F's enlarged heart.
6. Respondent treated Patient F with Furosemide, Ipecac Syrup, Plegine, Thyroid extract and Hydrochlorothiazide. Respondent's treatment of Patient F was inappropriate.
7. On or about December 18, 1989, Respondent diagnosed bronchitis and treated Patient F from on or about December 18, 1989, to on or about June 15, 1990, with combinations of medication including Erythromycin, Lincocin, Celestone, Betamethasone, Emcyin and "PCE". Respondent's treatment of Patient F was inappropriate.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with negligence on more than one occasion, within the meaning of N.Y. Educ. Law Section 6530 (3) (McKinney Supp. 1992), in that Petitioner charges two or more of the following:

1. The facts in paragraphs A and A1 through A4; B and B1 through B5; C and C1 through C7; D and D1 through D6; E and E1 through E5; and/or F and F1 through F7.

SECOND SPECIFICATION

PRACTICING THE PROFESSION WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with incompetence on more than one occasion, within the meaning of N.Y. Educ. Law Section 6530 (5) (McKinney Supp. 1992), in that Petitioner charges two or more of the following:

2. The facts in paragraphs A and A1 through A4; B and B1 through B5; C and C1 through C7; D and D1 through D6; E and E1 through E5; and/or F and F1 through F7.


THIRD THROUGH EIGHTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with professional misconduct by reason of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, within the meaning of N.Y. Educ. Law Section 6530 (32) (McKinney Supp. 1992), in that Petitioner charges:

3. The facts in paragraphs A, A1 and/or A2.
4. The facts in paragraphs B, B1, B2 and/or B4.
5. The facts in paragraphs C, C1, C2 and/or C3.
6. The facts in paragraphs D, D1, D2 and/or D3.
7. The facts in paragraphs E, E1, E2, and/or E3.
8. The facts in paragraphs F, F1, F2 and/or F3.

DATED: New York, New York
December 15, 1992


Chris Stern Hyman
Counsel
Bureau of Professional
Medical Conduct