



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

September 6, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mark F. Paredes, P.A.
1820 Coolidge, Apt. 104
Troy, Michigan 48084

Kevin C. Roe, Esq., Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2429
Empire State Plaza
Albany, New York 12237

Effective Date: 9/13/94

RE: In the Matter of Mark F. Paredes, M.D.R.P.A.

Dear Mr. Paredes and Mr. Roe :

Enclosed please find the Determination and Order (No. 94-175) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

Office of Professional Medical Conduct
New York State Department of Health
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 then 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
Empire State Plaza
Corning Tower, Room 2503
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.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

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

**IN THE MATTER
OF
MARK F. PAREDES, P.A.**

**DETERMINATION
AND
ORDER**

NO. BPMC-94-175

ARSENIO G. AGOPOVICH, M.D., (Chair), **ARTHUR J. SEGAL, M.D.** and **MICHAEL J. BROWN, R.P.A.** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to §230(10)(e) of the Public Health Law.

MARC P. ZYLBERBERG, ESQ., ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer.

The Department of Health appeared by **KEVIN C. ROE, ESQ.**, Assistant Counsel.

MARK F. PAREDES, P.A., (hereinafter "Respondent") failed to appear personally at the hearing, was not represented by counsel and failed to submit any answer or response to a Notice of Referral Proceeding and Statement of Charges, dated June 29, 1994 and April, 27, 1994 respectively.

A hearing was held on August 10, 1994. Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the Hearing Committee issues this Determination and Order, pursuant to the Public Health Law and the Education Law of the State of New York.

STATEMENT OF CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York. (§230 et seq. of the Public Health Law of the State of New York [hereinafter P.H.L.]

This case, brought pursuant to P.H.L. §230-b and §230(10)(p), is also referred to as an "expedited hearing". The scope of an expedited hearing is strictly limited to evidence or sworn testimony relating to the nature and severity of the penalty to be imposed on the licensee¹ (Respondent).

Respondent, MARK F. PAREDES, P.A., is charged with professional misconduct within the meaning of §6530(9)(b) of the Education Law of the State of New York (hereinafter Education Law), to wit: "professional misconduct ... by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state ..." (Petitioner's Exhibit # 1 and §6530[9][b] of the Education Law).

In order to find that Respondent committed professional misconduct, the Hearing Committee, pursuant to §6530(9)(b) of the Education Law, must determine: (1) whether Respondent was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state and (2) whether Respondent's conduct on which the findings were based would, if committed in New York State, constitute professional misconduct under the laws of New York State.

¹ P.H.L. §230(10)(p), fifth sentence.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. These facts represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Unless otherwise noted, all Findings and Conclusions herein were unanimous.

1. Respondent was authorized to practice as a physician's assistant in New York State on September 28, 1989 by the issuance of license number 003855 by the New York State Education Department. (Petitioner's Exhibit # 1 & Petitioner's Exhibit # 2)²

2. The Respondent is not currently registered as a physician's assistant with the New York State Education Department. (Petitioner's Exhibit # 1)

3. Barbara Violette attempted to personally serve the Notice of Referral Proceeding and the Statement of Charges on Respondent on May 7, 1994 at 3:30 P.M., May 12, 1994 at 6:00 P.M., May 23, 1994 at 8:00 P.M. and on "five (5) additional occasions." The affidavit of Ms. Violette indicates that Respondent was evading service. (Petitioner's Exhibit # 1)

4. Deputy Sheriff John Collier attempted to personally serve the Notice of Referral Proceeding and the Statement of Charges on Respondent on July 8, 1994 at 11:10 A.M. The affidavit of Deputy Collier indicates that Respondent had moved, the apartment was vacant and that no listing was available in Directory Assistance, under area codes (810) and (313) for Respondent. (Petitioner's Exhibit # 1)

² refers to exhibits in evidence submitted by the New York State Department of Health.

5. Carol Trzcinski mailed, by certified mail, on July 20, 1994, the Notice of Referral Proceeding and the Statement of Charges to Respondent, at his last known address. (Petitioner's Exhibit # 1) [T-5; T-7]³ Said certified mail was returned with the following indications on the envelope "Return to sender. Moved, left no forwarding address 48099". (Petitioner's Exhibit # 1) [T-7]

6. The Department of Health Professions, by the Board of Medicine of the Commonwealth of Virginia, (hereinafter "Virginia Board") is a state agency charged with regulating the practice of physician's assistant pursuant to the laws of the State of Virginia. (Petitioner's Exhibit # 3)

7. On August 29, 1991, the Virginia Board charged⁴, Respondent with illegally prescribing to various individuals, on 4 separate dates, certain controlled substances of high abuse potentials such as Percodan, Valium, Demerol and Ritalin. The Virginia Board further alleged that Respondent had fraudulently obtained prescription blanks from his place of employment and forged his employers' names. The Virginia Board further alleged that the controlled substances were self-administered by Respondent with the intent to evade the law with respect to the disposition of the aforesaid drugs. (Petitioner's Exhibit # 3)

8. The Virginia Board also alleged that Respondent had been found guilty, on September 14, 1989, of a misdemeanor under Virginia Law, to wit: driving under the influence. (Petitioner's Exhibit # 3)

³ Numbers in brackets refer to transcript page numbers [T-].

⁴ In Re: Mark F. Paredes, P.A., before the Board of Medicine of Virginia. Statement of Particulars, signed on August 29, 1991 by the Executive Director of the Virginia Board of Medicine.

9. As a result of the August 29, 1991 charges, the Virginia Board of Medicine, held a formal administrative hearing on October 4, 1991. At said Hearing, Respondent did not appear nor was he represented by legal counsel. On October 31, 1991 the Virginia Board issued an Order, based on specific Findings of Fact and Conclusions of Law. In essence, the Virginia Board adopted the Statement of Particulars in toto. (Petitioner's Exhibit # 3)

10. Based on its Findings of Fact, the Virginia Board's Conclusions of Law indicate that Respondent had committed prohibited acts under Virginia Law and was guilty of violating the following: "Sections 54.1-2915.A(1), (2), (3) as further defined in 54.1-2914.A(3), (7), (9), (11), (13), (14) and (15) of the Code [of Virginia], and Section 4.1B(2) of the Regulations for Physician's Assistant." (Petitioner's Exhibit # 3)

11. The Virginia Board Ordered that before Respondent's certificate could be reinstated⁵ or before he could be issued any other license by the Virginia Board, Respondent would have to submit satisfactory evidence of his ability to resume practice in a competent manner. (Petitioner's Exhibit # 3)

12. The Department of Commerce, Bureau of Occupational and Professional Regulation of the State of Michigan, (hereinafter "Michigan Board") is a state agency charged with regulating the practice of physician's assistant pursuant to the Laws of the State of Michigan. (Petitioner's Exhibit # 4)

⁵ Paragraph 13 of the Virginia Board's Findings of Fact indicate that Respondent was no longer working or residing in Virginia, nor was he practicing under a protocol of a licensed physician in Virginia. Respondent's physician certificate had expired on June 30, 1989. (Petitioner's Exhibit # 3)

13. On May 4, 1992, the Michigan Task Force on Physician's Assistants (hereinafter "Michigan Task Force") charged⁶ Respondent with falsely representing his licensure history in his application for a Michigan physician's assistant license. The Michigan Task Force further alleged that Respondent had falsely represented his conviction history. The Michigan Task Force further alleged that Respondent had been disciplined by the Virginia Board of Medicine. (Petitioner's Exhibit # 4)

14. On October 1, 1992, Respondent entered into a Consent Order and Stipulation and admitted the facts alleged in the Administrative Complaint as true. Respondent also admitted that said facts constituted violations of the Public Health Code of the State of Michigan. (Petitioner's Exhibit # 4)

15. In said Consent Order and Stipulation, Respondent's license to practice as a physician's assistant in the State of Michigan was SUSPENDED for a minimum of six (6) months and one (1) day. Said Order further provided that in the event Respondent applied for reinstatement, he would have to show by "clear and convincing evidence that Respondent is of good moral character, is able to provide medical care services under the supervision of a physician in a safe and competent manner, and that it is in the public interest for Respondent to resume practice." (Petitioner's Exhibit # 4)

16. On May 20, 1993, the Michigan Task Force granted the reinstatement of Respondent's license to practice as a physician's assistant in the State of Michigan. Respondent was placed on probation for a 2 year period. (Petitioner's Exhibit # 4)

⁶ State of Michigan, Department of Commerce, Bureau of Occupational and Professional Regulation, In the Matter of MARK F. PAREDES, P.A. Administrative Complaint dated, May 4 1992 and signed by the Director of Office of Health Services, Bureau Occupational and Professional Regulation. (Petitioner's Exhibit # 4)

CONCLUSIONS OF LAW

The Hearing Committee makes the following conclusions, pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee concludes that the following Factual Allegations, from the April 27, 1994 Statement of Charges, are SUSTAINED ⁷:

Paragraph A. : (6 - 11)

Paragraph B. : (12 - 16)

The Hearing Committee further concludes that the following Specifications of Charges are SUSTAINED ⁸:

FIRST SPECIFICATION: (Paragraph: A)

SECOND SPECIFICATION: (Paragraph: B)

The Hearing Committee concludes that the Department of Health has shown by a preponderance of the evidence that Respondent was found guilty of improper professional practice and of professional misconduct by the States of Virginia and Michigan and his conduct in Virginia and Michigan would constitute professional misconduct under the laws of New York State. The Department of Health has met its burden of proof.

⁷ The numbers in parentheses refer to the Findings of Fact previously made herein by the Hearing Committee and support each Factual Allegation.

⁸ The citations in parentheses refer to the Factual Allegations which support each Specification.

Service of Charges and of Notice of Hearing.

P.H.S. §230(10)(d) requires that the Charges and Notice of Hearing be served on the licensee personally, at least twenty (20) days before the Hearing. If personal service cannot be made, due diligence must be shown and certified under oath. Thereafter, registered or certified mail to the licensee's last known address must be served, at least fifteen (15) days before the Hearing.

From the affidavit submitted, numerous attempts at personal service were made as more fully set forth by the affidavits submitted and the representations of Counsel for the Department of Health. In determining whether due diligence has been exercised, no rigid rule can properly be prescribed. Each case must be viewed on its own separate facts. Barnes v. City of New York, 51 N.Y.2d 906 (1980).⁹

It is noted that pursuant to §6502(5) of the Education Law, a licensee, such as Respondent, is under a duty to notify the Department of Education of any change of mailing address within thirty (30) days of such change. Matter of Tarter v. Sobol, 189 A.D.2d 916 (Third Dep't. 1993).

As more fully set forth in the Findings of Fact and the Exhibits, it is determined that Petitioner has shown due diligence in this case.

Therefore, service of the Notice of Referral Proceeding and the Statement of Charges by Certified Mail to Respondent's last known address, was proper and timely.

⁹ 4 attempts on 4 different occasions, during normal working hours, on people who were employed was not sufficient to meet due diligence requirements of the New York Civil Practice Law and Rules §308(4).

Professional Misconduct under §6530(9)(b) of the Education Law.

The Virginia Board of Medicine is a duly authorized professional disciplinary agency. In 1991, said Virginia Board found Respondent guilty of violating Virginia Statutes and said violations warranted disciplinary action by the Virginia Board. The record establishes that Respondent was a habitual user of various controlled substances of high abuse potentials such as Percodan, Valium, Demerol and Ritalin. The record further establishes that Respondent fraudulently obtained prescription blanks from his place of employment and forged his employers' names. The Hearing Committee determines that based on the record, Respondent's ability to practice was impaired, as shown by his conduct.

The Hearing Committee finds that Respondent's conduct, if committed in New York State, constitutes professional misconduct under §6530(8) of the Education Law of the laws of New York State. Therefore, Respondent has committed professional misconduct pursuant to §6530(9)(b).

The Michigan Task Force on Physician's Assistants is a duly authorized professional disciplinary agency. In 1992, said Michigan Task Force found that Respondent was guilty of violating Michigan Statutes and said violations warranted disciplinary action by the Michigan Task Force. The record establishes that Respondent was found guilty and in fact admitted to misrepresentations in his license application, having an extensive history of drug and alcohol abuse, including at least 3 inpatient treatment occasions. Respondent's lack of honesty and good moral character, as well as his inability to show progress in recovery from his drug and alcohol dependency is of grave concern to the Hearing Committee.

The record establishes that Respondent obtained his Michigan license to practice as a physician's assistant fraudulently. The Hearing Committee finds that Respondent's conduct, if committed in New York State, constitute professional misconduct under §6530(1) and §6530(8) of the Education Law of the laws of New York State. Therefore, Respondent has committed professional misconduct pursuant to §6530(9)(b).

DETERMINATION

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determines that Respondent's license to practice as a physician's assistant in New York State should be REVOKED.

This determination is reached after due and careful consideration of the full spectrum of penalties available pursuant to P.H.L. §230-a, including:

(1) Censure and reprimand; (2) Suspension of the license, wholly or partially; (3) Limitations of the license; (4) Revocation of license; (5) Annulment of license or registration; (6) Limitations; (7) the imposition of monetary penalties; (8) a course of education or training; (9) performance of public service and (10) probation.

Since Respondent did not appear at this proceeding, he was not subject to direct or cross-examination nor to questions from the Hearing Committee in this proceeding. Therefore the Committee is bound by the documentary evidence presented.

The record establishes that Respondent committed significant violations of Virginia and Michigan Laws. Respondent's lack of integrity, character and moral fitness is evident in his self-destructing course of conduct.

The Hearing Committee concludes that if this case had been held in New York, on the facts presented, the pattern of drug dependence, the lack of truthfulness and moral fitness, and the outright deceit by Respondent would have resulted in a unanimous vote for revocation of Respondent's license.


The Hearing Committee has noted that the State of Michigan has reinstated Respondent's license, however, the Hearing Committee considers Respondent's misconduct to be very serious. With a concern for the health and welfare of patients in New York State, the Hearing Committee determines that revocation of Respondent's license is the appropriate sanction to impose under the circumstances.

ORDER

- Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit # 1) are **SUSTAINED**, and
2. Respondent's license to practice as a physician's assistant in the State of New York is hereby **REVOKED**.

**DATED: Albany, New York
September, 1, 1994**



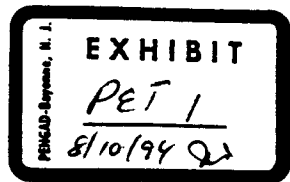
ARSENIO G. AGOROVICH, M.D., Chair
ARTHUR J. SEGAL, M.D.
MICHAEL J. BROWN, R.P.A.

To: Mark F. Paredes, P.A.
1820 Coolidge, Apt 104
Troy, Michigan 48084

Kevin C. Roe, Esq., Associate Counsel,
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2429
Empire State Plaza
Albany, New York 12237

APPENDIX I

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

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IN THE MATTER : NOTICE OF
OF : REFERRAL
MARK F. PAREDES, P.A. : PROCEEDING

-----x

TO: MARK F. PAREDES, P.A.
1820 Coolidge, Room 104
Troy, Michigan 48084

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. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 10th day of August, 1994 at 10:00 a.m. in the forenoon of that day at Court of Claims, Court Room 1, 7th Floor, Justice Building, Empire State Plaza, Albany, New York 12237.

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.

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 the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before August 1, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before August 1, 1994 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 the Bureau of Adjudication, 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 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: Albany, New York
June 29, 1994



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Kevin C. Roe
Associate Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MARK F. PAREDES, P.A. : CHARGES

-----X

MARK F. PAREDES, P.A., the Respondent, was authorized to practice as a physician's assistant on September 28, 1989, by the issuance of license number 003855 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in the State of New York.

FACTUAL ALLEGATIONS

A. On or about October 31, 1991 the Board of Medicine of the Commonwealth of Virginia found that Respondent had violated §54.1-2915.A(1), (2), (3) as further defined in §§54.1-2914.A(3), (7), (9), (11), (13), (14) and (15) of the Code of Virginia by illegally prescribing controlled substances, by fraudulently obtaining prescription blanks from his place of employment and forging the names of physicians when such controlled substances were self administered by Respondent with the intent to evade the law with respect to the disposition of said drugs and by being addicted to or a habitual user of controlled substances. Respondent's certificate to practice as a physician's assistant in the Commonwealth of Virginia had previously expired on June

30, 1989, as he was no longer working or residing in Virginia and was no longer practicing under a protocol of a licensed physician in Virginia. The Board of Medicine of the Commonwealth of Virginia issued an order requiring that before Respondent's certificate could be reinstated and before he could be issued any other license by the Board of Medicine, he must submit evidence satisfactory to the Board that he is able to resume his practice in a competent manner and submit payment of the prescribed fees. The conduct upon which the Virginia findings were based would, if committed in New York State constitute professional misconduct in violation of N.Y. Educ. Law §§6530(2) and/or(8).

B. On or about August 12, 1992, the Task Force on Physician's Assistants, Bureau of Occupational and Professional Regulation, Department of Commerce, State of Michigan (TFPA) found that Respondent had violated §§16221(A), (B) (ii) (b) (vi), (c) (i), (c) (iv) of the Michigan Public Health Code by having been disciplined in the State of Virginia, being a habitual user of drugs, engaging in conduct which evidences a lack of good moral character, making misrepresentations on his application for licensure in the State of Michigan constituting fraud or deceit in obtaining or renewing a license to practice, and by obtaining, possessing or attempting to obtain or possess a controlled substance without lawful authority as evidenced by the Virginia discipline. Respondent's license was suspended for six months and one day and the Michigan TFPA ordered that Respondent supply clear and convincing evidence of good moral character and ability to provide medical care under the supervision of a physician in a

safe and competent manner prior to reinstatement of his license. On or about June 3, 1993 the Michigan TFPA reinstated Respondent's license and placed him on 2 years probation. The conduct upon which the Michigan findings were based would, if committed in New York State, constitute professional misconduct in violation of N.Y. Educ. Law §§6530(1), (2), (8), and (20).

FIRST AND SECOND SPECIFICATIONS

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the findings were based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in violation of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994) in that, Petitioner alleges:

1. The facts in Paragraph A.
2. The facts in Paragraph B.

DATED: Albany, New York

April 27, 1994

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct