



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

March 27, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael A. Passidomo, M.D.
162 South Mayo Trail
P.O. Box 2037
Pikeville, Kentucky 41502

RE: License No. 118872
Effective Date: 04/03/95

Dear Dr. Passidomo:

Enclosed please find Order #BPMC 95-66 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

Enclosure

cc: W. Terry McBrayer, Esq.
McBrayer, McGinnis, Leslie & Kirkland
163 West Short Street, Suite 300
Lexington, Kentucky 40507-1361

Paul Stein, Esq.

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

IN THE MATTER
OF
MICHAEL ANTHONY PASSIDOMO, M.D.

CONSENT
ORDER
BPMC #95-66

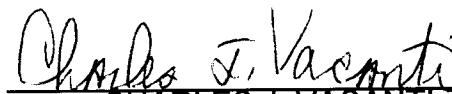
Upon the application of MICHAEL ANTHONY PASSIDOMO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 23 March 1995


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
MICHAEL ANTHONY PASSIDOMO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF KENTUCKY)
COUNTY OF PIKE) SS.:

MICHAEL ANTHONY PASSIDOMO, M.D., being duly sworn, deposes and says:

That on or about January 28, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 118872 by the New York State Education Department.

My current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501 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 one specification 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, including, but limited to, paragraph "1." and paragraph "1. f.", in full satisfaction of the charges against me. I hereby agree to a sanction of three months suspension, such suspension to be stayed, and further agree to a two year period of probation, to be tolled unless and until I commence the practice of medicine in the State of New York, the terms of such period of probation being fully stated in Exhibit "B" annexed hereto and made a part hereof.

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.

MICHAEL ANTHONY PASSIDOMO, M.D.
RESPONDENT

Sworn to before me this

10th day of March, 1995.

Mildred B. Childers
NOTARY PUBLIC

*My Comm. expires
Mar 6, 1996*

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

IN THE MATTER
OF
MICHAEL ANTHONY PASSIDOMO, M.D.

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: 3/10/95

MICHAEL ANTHONY PASSIDOMO, M.D.
Respondent

DATE: 3/9/95

W. TERRY McBRAVER, ESQ.
Attorney for Respondent

DATE: 3-14-95

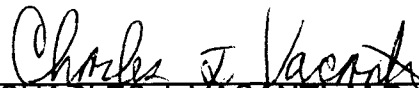
Paul Stein
PAUL STEIN, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: March 21, 1995



KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 23 March 1995



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

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In the Matter : STATEMENT
of : OF
MICHAEL ANTHONY PASSIDOMO, M.D. : CHARGES

-----X

MICHAEL ANTHONY PASSIDOMO, M.D., the Respondent, was authorized to practice as a physician in New York State on January 28, 1974 by the issuance of license number 118872 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. His current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501.

FACTUAL ALLEGATIONS

- A. In an Agreed Order filed of record on April 1, 1994, the Commonwealth of Kentucky, State Board of Medical Licensure (hereinafter referred to as "the Kentucky Board") suspended Respondent's license to practice medicine in the state of Kentucky for a period of three months. The suspension was "probated for a period of three (3) years", subject to various terms of probation. This action was based upon a complaint filed of record on July 27, 1993 by the Kentucky Board in which it was charged:

"That on or between November of 1985 and April of 1991, Respondent treated and examined thirty-four (34) patients in such a manner as to constitute a pattern of overutilization and expensive technology. Such conduct is dishonorable, unethical and unprofessional to the extent that said conduct is of a character likely to deceive, defraud or harm the public or any member thereof and constitutes a pattern of acts committed during the course of Respondent's medical practice which, under the attendant circumstances, is deemed to be of gross incompetence, gross ignorance, gross negligence or malpractice, and is calculated or has the effect of bringing the medical professional into disrepute, including, but not limited to, any departure from or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky, and any departure from or failure to conform to principles of medical ethics of the American Medical Association or the Code of Ethics of the American Osteopathic Association."

The period of probation was subsequently reduced from three years to six months.

SPECIFICATION

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1995), in that he had his license to practice medicine revoked, suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

- a. "Practicing the profession fraudulently or beyond its authorized scope" (Educ. Law sec. 6530 (2) (McKinney Supp. 1995)); and/or
- b. "Practicing the profession with gross negligence on a particular occasion" (Educ. Law sec. 6530 (4) (McKinney Supp. 1995)); and/or
- c. "Practicing the profession with gross incompetence" (Educ. Law sec. 6530 (6) (McKinney Supp. 1995)); and/or
- d. "Practicing the profession with negligence on more than one occasion" (Educ. Law sec. 6530 (3) (McKinney Supp. 1995)); and/or
- e. "Practicing the profession with incompetence on more than one occasion" (Educ. Law sec. 6530 (5) (McKinney Supp. 1995)); and/or
- f. "Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient" (Educ. Law sec. 6530 (35) (McKinney Supp. 1995)).

Dated: New York, New York
February 17, 1995



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. MICHAEL ANTHONY PASSIDOMO, 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 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. This period of probation shall commence if and when Respondent commences the practice of medicine in the State of New York. If Respondent commences the practice of medicine in the State of New York and discontinues such practice in the State of New York before the two year probationary term is completed, the period of probation shall be tolled, and shall be resumed at such time as Respondent again commences the practice of medicine in the State of New York. The period of probation shall be resumed and tolled in this manner until such time as Respondent has completed the two year period of probation.

8. Thirty days prior to the commencement of the practice of medicine in New York State, or resumption of the practice of medicine in New York State if Respondent has not yet completed the two year period of probation, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such commencement or resumption of practice. Within one week of the discontinuance of the practice of medicine in the State of New York., if Respondent will not have completed the two year period of probation before such discontinuance, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such discontinuance.
9. During the two year period of probation, Respondent shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct. During these quarterly meetings, Respondent's professional performance shall be monitored by having a random selection of his office records, patient records, and hospital charts reviewed by such employee or designee. Respondent shall cooperate fully in making available such records and charts.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his 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.