

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

February 28, 1990

Bautista Perez-Sanz, Physician  
32 Ashley Circle  
Commack, N.Y. 11725

Re: License No. 102989

Dear Dr. Sanz:

Enclosed please find Commissioner's Order No. 10603. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

MOIRA A. DORAN  
Supervisor

DJK/MAH/er  
Enclosures

CERTIFIED MAIL- RRR

cc: James Berenthal, Esq.  
575 Madison Avenue - Suite 508  
New York, N.Y. 10022

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT



BAUTISTA PEREZ-SANZ, M.D.

I admit guilt to the Fifth Specification, Failing to Maintain Adequate Records (as set forth in paragraph C), to the extent that the activity alleged in the statement of charges postdates October 1, 1977; and to the Sixth Specification, Ordering Excessive Treatment, (as set forth in paragraph A and A1, A2, A3 and A4, and B and B1 and B2), to the extent that the activity alleged in the statement of charges postdates October 1, 1977. I admit guilt to the Fifth and Sixth Specifications, to the extent that the activity alleged in those specifications postdates October 1, 1977, in full satisfaction of all the charges.

I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for a period of two years, that execution of the last one year, ten months and fifteen days be stayed, at which time I be placed on probation for one year, ten months and fifteen days under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that this application is not granted by the Board of Regents, 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

BAUTISTA PEREZ-SANZ, M.D.

be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.


I agree that, in the event the Board of Regents grants my application, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

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BAUTISTA PEREZ-SANZ, M.D.  
Respondent

Sworn to before me this  
day of October, 1989.

  
\_\_\_\_\_  
NOTARY PUBLIC

SCOTT MANSFIELD  
NOTARY PUBLIC STATE OF MASSACHUSETTS  
No. 4885805  
Qualified in Massachusetts  
Commission Expires 11/1/92

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

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IN THE MATTER : APPLICATION  
OF : FOR  
BAUTISTA PEREZ-SANZ, M.D. : CONSENT  
: ORDER  
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The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Date: 10-13-89

\_\_\_\_\_  
BAUTISTA PEREZ-SANZ, M.D.  
Respondent

Date: 10-13-89

*James Berenthal*  
James Berenthal, Esq.  
Attorney for Respondent  
575 Madison Avenue, Suite 508  
New York, New York 1022

Date: 11/21/89

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MEMBER, State Board for  
Professional Medical Conduct

Date: 12/21/89

*Kathleen M. Tanner*  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

BAUTISTA PEREZ-SANZ, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date:

12/21/89

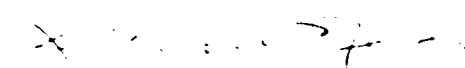


DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this Application for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

Date:





MEMBER OF THE BOARD OF REGENTS

EXHIBIT "A"

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

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IN THE MATTER : STATEMENT  
OF : OF  
BAUTISTA PEREZ-SANZ, M.D. : CHARGES

-----X

BAUTISTA PEREZ-SANZ, M.D., the Respondent, was authorized to practice medicine in New York State on February 17, 1969 by the issuance of license number 102989 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, 1989 through December 31, 1991.

FACTUAL ALLEGATIONS

A. On or about and between June, 1972 and June, 1986 the Respondent treated Patient A for narcolepsy. (The identity of Patient A is contained in the Appendix).

1. On or about June, 1972, when Patient A presented with complaints of drowsiness and change of character, the Respondent failed to take an adequate history of Patient A's condition, including but not limited to failing to address whether Patient A had sleep paralysis, sleep hallucinations, or cataplexy.



2. On or about June, 1972 Respondent failed to support the diagnosis of narcolepsy with any diagnostic laboratory test.
  3. The Respondent failed to perform a polysomnogram during the entire period of treatment of Patient A.
  4. Respondent failed to refer the patient to a specialist in the diagnosis of narcolepsy.
- B. On or about June, 1972, the Respondent treated the patient with Benzedrine, ten (10) mg., twice a day. In October, 1972, the Respondent began prescribing Amphetamine Sulfate, twenty (20) mg. a day. Several months later the Respondent switched the patient to thirty (30) mg. of Dexadrine Sulfate a day. On or about May, 1974 the Respondent increased the patient's dosage of Dexadrine to between one hundred (100) and one hundred and fifty (150) mg. a day. On or about April, 1976 the Respondent increased the Dexadrine dosage to three hundred (300) mg. a day. In March, 1979 the Respondent prescribed four hundred and twenty-five (425) mg. of Dexadrine a day. Respondent prescribed approximately three hundred (300) mg. a day of Dexadrine from January, 1980 to June, 1986.

1. The treatment of Patient A's condition with Amphetamines is contraindicated because Patient A did not have a confirmed diagnosis of narcolepsy.
  2. The quantities of amphetamines prescribed by Respondent to Patient A were excessive and without medical indication.
- C. From on or about June, 1972 to on or about June, 1986 Respondent failed to maintain adequate records of Patient A's past medical history, presenting complaints and symptoms, the results of physical examinations, and the treatment administered.

**SPECIFICATION OF CHARGES**

**PRACTICING WITH GROSS NEGLIGENCE**

**FIRST SPECIFICATION**

The Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges:

1. The facts in paragraphs A through C.

**SECOND SPECIFICATION**

**PRACTICING WITH GROSS INCOMPETENCE**

The Respondent is charged with practicing the profession with gross incompetence under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges:

2. The facts in paragraphs A through C.

**THIRD SPECIFICATION**

**PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION**

The Respondent is charged with practicing the profession with negligence under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges:

3. The facts in paragraphs A through C.

**FOURTH SPECIFICATION**

**PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION**

The Respondent is charged with practicing the profession with incompetence under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges:

4. The facts in paragraphs A through C.

**FIFTH SPECIFICATION**

**FAILING TO MAINTAIN ADEQUATE RECORDS**

The Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law Section 6509(9) (McKinney 1985) and within the meaning of 8 N.Y.C.R.R. 29.2(a)(3) (1981) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

5. The facts in paragraphs C.

**SIXTH SPECIFICATION**

**ORDERING EXCESSIVE TREATMENT**

The Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law Section 6509(9) (McKinney 1985) and within the meaning of 8 N.Y.C.R.R. 29.2(a)(7) (1981) by ordering excessive treatment not warranted by the condition of the patient, in that Petitioner charges:

6. The facts in paragraphs A, and B.

DATED: New York, New York  
September 21, 1989


  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

EXHIBIT B

TERMS OF PROBATION

BAUTISTA PEREZ-SANZ, M.D.

1. That Respondent, during the period of probation, shall comply with all federal, state and local laws and 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. The Respondent shall practice medicine in accordance with accepted medical standards, including prescribing amphetamines and other controlled substances in accordance with accepted medical standards.
3. The Respondent shall be subject to the requirement that he make semi-annual visits to an employee of the Office of Professional Medical Conduct for the purpose of monitoring the terms of probation.
4. That Respondent shall submit written notification to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237 of his current employment and any change in Respondent's employment, practice, residence, or telephone number within the State of New York.
5. The Respondent will notify the Director, Office of Professional Medical Conduct, of any criminal or professional misconduct proceeding initiated against him.
6. That 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 other violation of any of the aforementioned terms of probation, a violation of probation proceeding and/or such other proceedings may be initiated against Respondent pursuant to the Education Law, Rules of the Board of Regents and/or Public Health Law.

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**BAUTISTA PEREZ-SANZ, M.D.**

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**CALENDAR NO. 10603**



# The University of the State of New York

IN THE MATTER

OF

BAUTISTA PEREZ-SANZ  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 10603

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Upon the application of BAUTISTA PEREZ-SANZ, under Calendar No. 10603, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED** (February 16, 1990): That the application of BAUTISTA PEREZ-SANZ, respondent, for a consent order be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

**ORDERED**: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as 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 the respondent or five days after mailing by certified mail.



**BAUTISTA PEREZ-SANZ (10603)**

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 22<sup>nd</sup> day of  
*February*, 1990.  
*Thomas Sobol*  
Commissioner of Education