

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

December 7, 1990

George S. Radnay, Physician
86 East 86th Street
Gracie Square
New York, N.Y. 10028

Re: License No. 089402

Dear Dr. Radnay:

Enclosed please find Commissioner's Order No. 11225. 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:

Gustave Martine

GUSTAVE MARTINE
Supervisor

RECEIVED

DEC 11 1990

90345 HRC 0269
Office of Professional
Medical Conduct

DJK/GM/er
Enclosures

CERTIFIED MAIL- RRR

cc: Daniel M. Shapiro, Esq.
Shapiro & Byrne
200 Old Country Road
Mineola, N.Y. 11501

REPORT OF THE
REGENTS REVIEW COMMITTEE

GEORGE S. RADNAY

CALENDAR NO. 11225



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

GEORGE S. RADNAY

No. 11225

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

GEORGE S. RADNAY, hereinafter referred to as respondent, was licensed to practice as a physician in the State of New York by the New York State Education Department.

This disciplinary proceeding was properly commenced and on January 12, February 23 and February 26, 1990 a hearing was held before a hearing committee of the State Board for Professional Medical Conduct. A copy of the statement of charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

The hearing committee rendered a report of its findings, conclusions, and recommendation, a copy of which, without attachment, is annexed hereto, made a part hereof, and marked as Exhibit "B".

The hearing committee concluded that respondent was guilty of the first through fourteenth specifications of the charges and that

GEORGE S. RADNAY (11225)

respondent was not guilty of the fifteenth specification of the charges. The hearing committee recommended that respondent be Censured and Reprimanded and that respondent be fined a total of \$6,000.

The Commissioner of Health recommended to the Board of Regents that the findings of fact and conclusions of the hearing committee be accepted in full, but that its recommendation as to the penalty be modified, and that respondent's license to practice medicine be suspended for one year, that such suspension be stayed and that respondent be fined \$12,000. He further stated that the fact that respondent intentionally misled hospital administration about the risk he might pose to hospital patients may have permitted respondent to gain the financial rewards of a staff appointment. The Commissioner concluded that respondent's pattern of prevarication warrants a higher fine and the greater burden of the standard monitoring imposed with a license suspension. A copy of the recommendation of the Commissioner of Health is annexed hereto, made a part hereof, and marked as Exhibit "C".

On September 17, 1990, the scheduled date of our hearing, respondent appeared and was represented by his attorney, Daniel M. Shapiro, Esq., who presented oral argument on behalf of respondent. Daniel Guenzburger, Esq. presented oral argument on behalf of the Department of Health.

Petitioner's written recommendation was the same as the

GEORGE S. RADNAY (11225)

Commissioner of Health's recommendation, as to the measure of discipline to be imposed, should respondent be found guilty.

Respondent's written recommendation as to the measure of discipline to be imposed, should respondent be found guilty, was the same as that recommended by the hearing committee, as set forth in respondent's September 4, 1990 statement to the Board of Regents.

We have considered the record as transferred by the Commissioner of Health in this matter, as well as respondent's September 4, 1990 submission.

We note at the onset that both the hearing committee and the Commissioner of Health determined that respondent was guilty of the first and eighth specifications of the charges notwithstanding that they found that the factual allegations supporting those specifications contained in paragraphs A.1 and A.2 thereunder were not substantiated. We concur that the record does not establish, by a preponderance of the evidence, these factual allegations; and we conclude that respondent should be found not guilty of the first and eighth specifications.

Respondent contends that there was no testimony, no proof nor evidence that respondent either fraudulently or willfully filed false reports. Respondent indicates that, while it is true that respondent's applications were either incomplete or inaccurate, there was no evidence presented at the hearing that these documents

GEORGE S. RADNAY (11225)

were completed with intent to defraud anyone (emphasis in original). We disagree.

It is our unanimous opinion that the hearing committee's conclusions (pp. 8-9) are supported by the record and that the record establishes that respondent was aware of the facts set forth in findings of fact numbered 14, 17, 19, 21, and 23 at the time that he made the respective representations set forth in findings of fact numbered 13, 15, 16, 18, 20, and 22 and intentionally misrepresented his circumstances. The conclusion of the Commissioner of Health that this may have permitted respondent to gain the financial rewards of a staff appointment is not, in our unanimous opinion, a requirement for demonstrating fraud or willfulness. Accordingly, we have arrived at our recommendation without accepting the aforesaid conclusion by the Commissioner of Health.

We unanimously recommend the following to the Board of Regents:

1. The hearing committee's findings of fact and the Commissioner of Health's recommendation as to those findings be accepted;
2. The following additional finding of fact be accepted:
 24. Respondent was aware of the facts set forth in findings of fact numbered 14, 17, 19, 21, and 23 at the time that he made the respective representations set forth in findings of fact numbered 13, 15, 16, 18, 20, and 22 and intentionally misrepresented his circumstances;

3. The conclusions of the hearing committee and the Commissioner of Health's recommendation as to those conclusions be accepted with the correction that "April 28, 1983" be deemed substituted in place of "March 28, 1983", at lines 1 and 2 of page 6 of the hearing committee report; but that the conclusion of guilt rendered by both the hearing committee and the Commissioner of Health as to the first and eighth specifications and the conclusion by the Commissioner of Health relating to respondent gaining the financial rewards of a staff appointment not be accepted;
4. Respondent be found guilty, by a preponderance of the evidence, of the second through seventh and ninth through fourteenth specifications of the charges, and not guilty of the first, eighth and fifteenth specifications of the charges;
5. The measure of discipline recommended by the hearing committee and Commissioner of Health be modified;
6. Based upon a more serious view of respondent's misconduct, respondent's license to practice as a physician in the State of New York be suspended for two years upon each specification of the charges of which we recommend respondent be found guilty, that said suspensions run concurrently, that execution of the last

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twenty-two months of said suspensions be stayed; and that respondent be fined a total of \$6,000 as follows:

- a. \$1,000 each for the second and ninth specifications, to be imposed concurrently;
 - b. \$1,000 each for the third and tenth specifications, to be imposed concurrently;
 - c. \$1,000 each for the fourth and eleventh specifications, to be imposed concurrently;
 - d. \$1,000 each for the fifth and twelfth specifications, to be imposed concurrently;
 - e. \$1,000 each for the sixth and thirteenth specifications, to be imposed concurrently; and
 - f. \$1,000 each for the seventh and fourteenth specifications, to be imposed concurrently; and
7. That said \$6,000 fine is to be made payable, by certified check, to the order of the New York State Education Department, and mailed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue, New York, New York 10016-5802 within six months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter.

GEORGE S. RADNAY (11225)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO

Dated:

10/26/90


Chairperson

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

-----X

IN THE MATTER	:	STATEMENT
OF	:	OF
GEORGE S. RADNAY, M.D.	:	CHARGES

-----X

GEORGE S. RADNAY, M.D., the Respondent, was authorized to practice medicine in New York State on November 23, 1962 by the issuance of license number 089402 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, 1988 through December 31, 1991 at 86 East 86th Street, New York, New York 10028.

FACTUAL ALLEGATIONS

A. On or about April 29, 1983 the Respondent operated on Patient A at the Cabrini Medical Center, New York, New York. He performed an anterior and posterior colporrhaphy, and a repair of an enterocele and a repair of the perineum. (The identity of Patient A is contained in the Appendix.) On or about March, 1985 Patient A commenced a civil action against the Respondent in New York State Supreme Court. Patient A claimed in the lawsuit that the Respondent operated on her in a negligent manner and without her informed consent.

1. At sometime after Patient A commenced the lawsuit referred to in Paragraph A, the Respondent inserted progress notes dated April 28, 1983 and May 1, 1983 into Patient A's medical chart. In the progress note dated April 28, 1983 the Respondent wrote that he advised Patient A of the nature of the surgery and in the progress note dated May 1, 1983 he wrote that Patient A experienced less rectal pain and that she urinated freely with a Foley catheter.

2. On or about February 18, 1988 the Respondent swore under oath in testimony given at an examination before trial that he wrote the progress notes referred to in Paragraph A(1) on April 28, 1983 and May 1, 1983, when in fact he wrote the notes at some point after March 1985.

B. In Respondent's application for reappointment to the medical staff of Lenox Hill Hospital, New York, New York dated August 20, 1985, the Respondent denied involvement in any malpractice claim or action when in fact he was a defendant in five malpractice claims or actions.

C. In Respondent's application for reappointment to the medical staff of Lenox Hill Hospital, dated September 30, 1986, the Respondent claimed that he had never been denied malpractice insurance, when in fact on or about May 6, 1986 the Medical Liability Mutual Insurance Company declined to renew his professional liability insurance.

D. In Respondent's application for reappointment to the medical staff of Doctor's Hospital, New York, New York, date August 11, 1986, the Respondent claimed that he had never been denied malpractice insurance, when in fact on or about May 6, 1986 the Medical Liability Mutual Insurance Company declined to renew his professional liability insurance.

E. In Respondent's application for reappointment to the medical staff of St. Luke's Roosevelt Hospital Center, New York, New York dated May 23, 1983, the Respondent denied that he had been subject to malpractice claims or suits, when in fact he was a defendant in four malpractice claims or suits.

F. In Respondent's application for reappointment to the medical staff of St. Luke's-Roosevelt Hospital Center, dated December 2, 1985, the Respondent denied that he had been subject to malpractice claims or suits in the two years prior to the date of the application, when in fact he was a defendant in five malpractice claims or suits during the period.

G. In Respondent's application for reappointment to the medical staff of the St.Luke's-Roosevelt Hospital Center dated December 2, 1985, Respondent omitted from the listing of hospital and health facility staff appointments, his staff appointments at the Cabrini Medical Center, Medical Arts Center Hospital, and Doctor's Hospital.

SPECIFICATION OF CHARGES

FIRST THROUGH SEVENTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

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

1. The facts in Paragraphs A and A(1) and/or A(2).
2. The facts in Paragraph B.
3. The facts in Paragraph C.
4. The facts in Paragraph D.
5. The facts in Paragraph E.
6. The facts in Paragraph F.
7. The facts in Paragraph G.

EIGHTH THROUGH FOURTEENTH SPECIFICATIONS

FILING A FALSE REPORT

The Respondent is charged with willfully making and filing a false report under N.Y. Educ. Law Section 6509 (9)

(McKinney 1985) in that the Respondent filed false reports within the meaning of 8 NYCRR Section 29.1(b)(6)(1987) in that Petitioner charges:

8. The facts in Paragraphs A and A(1) and/or A(2).
9. The facts in Paragraph B.
10. The facts in Paragraph C.
11. The facts in Paragraph D.
12. The facts in Paragraph E.
13. The facts in Paragraph F.
14. The facts in Paragraph G.


FIFTEENTH SPECIFICATION

MORAL UNFITNESS TO PRACTICE THE PROFESSION

Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law Section 6509(9) (McKinney 1985) and his conduct in the practice of his profession evidences moral unfitness to practice the profession within the meaning of 8 NYCRR Section 29.1(b)(5)(1987), in that Petitioner charges:

15. The facts in Paragraph A and A(1) and/or A(2).

DATED: October 24, 1989
New York, New York


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

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

-----X
IN THE MATTER : REPORT OF
OF : THE HEARING
GEORGE S. RADNAY, M.D. : COMMITTEE
-----X

TO: The Honorable David Axelrod, M.D.
Commissioner of Health, State of New York

Dr. Marilyn Kritchman, M.D., Chairperson, Dr. Alexander M. DeLaGarza, M.D. and Ms. Denise M. Bolan, R.P.A. designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Tyrone T. Butler, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this report.

SUMMARY OF PROCEEDINGS

Service of Notice of
Hearing and Statement of
Charges:

October 24, 1989

Prehearing conference(s):

January 12, 1990
February 21, 1990

Hearing Dates:

January 12, 1990
February 23, 1990
February 26, 1990

Deliberations were held on:

April 20, 1990

Place of hearing:

8 East 40th Street
New York, New York

Department of Health
appeared by:

Peter J. Millock, Esq.,
General Counsel by
Daniel Guenzburger Esq.
Office of Professional
Medical Conduct
8 East 40th Street
New York, New York

Respondent appeared by:

Shapiro & Baines, Esqs. by
Daniel Shapiro, Esq.
55 Mineola Boulevard
Mineola, New York 11501

Witnesses for Department of
Health:

Robert H. Silk, Esq.
Joel M. Lutwin, Esq.

Witnesses for Respondent:

Dr. George S. Radnay, M.D.
(Respondent)
Eloise B. Martin

Petitioner (Department) filed
Proposed Findings of Fact,
Conclusions of Law and
Proposed Sanction:

March 26, 1990

Respondent filed
Closing Arguments:

March 23, 1990

On November 1, 1989, the Respondent was served with the Notice of Hearing and Statement of Charges. The Department of Health and the Respondent presented their entire cases and the record was closed on February 26, 1990. On April 20, 1990 the Hearing Committee held deliberations.

SUMMARY OF CHARGES

• In the Statement of Charges (Dept's. Ex. 1 - copy attached), the Respondent, Dr. George S. Radnay, M.D. was charged with professional misconduct pursuant to Education Law §6509. The specific charges were: practicing the profession fraudulently [Education Law §6509(2)] (First through Seventh specifications), filing a false report [Education Law §6509(9), 8 NYCRR §29.1(b)(6)(1987)] (Eighth through Fourteenth specifications), moral unfitness to practice the profession [Education Law §6509(9)] (Fifteenth specification).

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. The Pre-hearing transcript was not made available to the Hearing Committee at the time of deliberations.

1. Dr. George S. Radnay, M.D., the Respondent, was authorized to practice medicine in New York State on November 23, 1962 by the issuance of license number 089402, by the New York State Education Department. (Ex. 2)
2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1988 through December 31, 1991, at 86 East 86th Street, New York, New York 10028. (Ex. 2)

FINDINGS OF FACT - ALLEGATION A

3. On or about April 17, 1983, Patient A was admitted to Cabrini Medical Center, New York, New York. On or about April 29, 1983, the Respondent performed an anterior and posterior colporrhaphy and a repair of an enterocele and perineum on Patient A. (Ex. 3)
4. On or about May, 22, 1984, Patient A's attorney, Joel Lutwin, Esq., 401 Broadway, New York, New York 10013, requested and obtained a copy of Patient A's medical record for the April 17, 1983 admission to Cabrini Medical Center. (T. 98, Ex. 6)
5. On or about March 4, 1985, Patient A commenced a civil action against the Respondent. (Ex. 4)
6. In December, 1985, Robert Silk, Esq., 401 Broadway, New York, New York 10013, became counsel to Mr. Lutwin in Patient A's suit against the Respondent. Mr. Lutwin transferred Patient A's medical record to Mr. Silk at this time. On February 18, 1988, Mr. Silk deposed the Respondent, a certified copy of Patient A's medical record was produced at the deposition by a representative from Cabrini Medical Center. (T. 64, Ex. 7)
7. The certified copy of Patient A's medical record presented at the deposition on February 18, 1988, contained two additional progress notes not included in the medical records originally supplied to Mr. Lutwin on May 22, 1984, by Cabrini Medical Center as follows:

"Gynecology, Drs. Warner and Cohen advised of the prolapsing vaginal tissue being irritated and also ulcerated and atrophic tissue thus bleeding easily. The situation discussed in detail with patient, the nature of the surgery and subsequent effects, better support, perhaps less urinary symptoms explained"

This entry is dated April 28, 1983 and is signed by the Respondent.

"Rectal pain much better as expected, and relieved completely by sitzbath. She has pain in Back on walking, arthritic or osteoporatic problem. Patient urinating freely without Foley"

This entry is dated May 1, 1983 and is signed by the Respondent. (Ex. 3, 6, pgs 6,7)

8. On February 18, 1988, at the deposition, the Respondent testified under oath that he wrote the April 28, 1983, Progress Note on April 28, 1983. (Ex. 7, pg 50)
9. Ms. Eloise B. Martin, was present at this hearing and testified that she is a Secretary, Medical Records Department, Cabrini Medical Center, and has held that position for the past 23 years. (T. 194-195)
10. During Ms. Martin's tenure at Cabrini Medical Center, the procedure followed, whenever a patient's medical records are requested, has been to photostat the records and forward them as requested while notifying the physician of record as to the request. The physician of record still has access to the patient records after such a request has been made. (T. 197, 202-204)
11. Whenever Cabrini Medical Center is notified that it is a party to a lawsuit, the patient's records are forwarded to the Hospital's Insurance Manager who reviews them, then they are sequestered and the physician of record no longer has access to them. (T.198-199, 202-204)
12. The Respondent had access to Patient A's medical records at Cabrini Medical Center until March 4, 1985, the date that the civil action against the Respondent and Cabrini Medical Center was commenced by Patient A. (T. 197-204)

CONCLUSIONS - ALLEGATION A

The Committee finds that the Progress Notes dated March 28, 1983 and May 1, 1983, were inserted into Patient A's medical record at sometime after May 22, 1984 and prior to March 4, 1985. We do not believe, as alleged by the Respondent, that these notes were entered contemporaneously with the events that they were supposed to record. However, the Statement of Charges alleges that the Respondent made these entries after March 4, 1985, [Allegations A(1) and A(2)]. The Committee is convinced, based upon the testimony offered by Ms. Martin, the clerical representative from Cabrini Medical Center, that patient records are sequestered after the commencement of a civil action against the facility and are not made accessible to the medical staff without supervision. Therefore we conclude that the Respondent did not enter the above Progress Notes after March 4, 1985 and Allegation A(1) is not substantiated.

We find that Allegation A(2) is partially substantiated in that the Respondent swore under oath at the February 18, 1988 deposition, that he wrote the April 28, 1983 Progress Note on April 28, 1983, when he did not. However, we conclude that the rest of the allegation charging that he made this entry after March 1985 is not substantiated. Therefore, Allegation A(2) is not substantiated.

FINDINGS OF FACT - ALLEGATIONS B THROUGH G

13. The Respondent submitted an Application for Reappointment to the Medical Staff of Lenox Hill Hospital dated August 20, 1985, in which he answered "No" to the inquiry: "Have you been denied malpractice insurance or have you been involved in any malpractice claim in New York or another state?" (Ex. 8)

14. On August 20, 1985, the Respondent was a named defendant in five current malpractice actions: ██████ v. Radnay and Cabrini Medical Center; Iranyi and Iranyi v. Radnay and the Medical Arts Center; Welton v. Radnay et. al. ; Hernandez v. Radnay and the French and Polyclinic Medical School; and Hines v. Radnay et. al. (Exs. 4, 4A, 5, 14, 15, 16, 17, 18, 18A, 19, 19A, 20, 24, 25, 26, 27, 28)
15. The Respondent submitted an Application for Reappointment to the Medical Staff of Lenox Hill Hospital dated September 30, 1986 in which he answered "No" to the inquiry: "Have you been denied malpractice insurance or has your malpractice insurance premium been surcharged?" (Ex. 9)
16. The Respondent submitted an Application for Reappointment to Doctor's Hospital dated August 11, 1986 in which he checked "No" to the following inquiry: "Since your last (re)appointment have of the following ever been, or are there any currently in the process of being, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished? ... Professional liability insurance..." (Ex. 11)
17. The Medical Liability Mutual Insurance Company (MLMIC) cancelled the Respondent's professional liability insurance effective: July 1, 1986. On April 30, 1986, the Respondent wrote to MLMIC protesting their decision to deny him malpractice insurance. (Ex. 10, 30)
18. The Respondent submitted an Annual Medical Staff Reappointment application to St Luke's-Roosevelt Hospital Center dated May 23, 1983 in which he checked "No" in answer to the following inquiry: "Have you been subject to malpractice claims or suits? (Ex. 12)

19. On May 23, 1983, the Respondent was a named party in the following four malpractice claims or suits: Iranyi and Iranyi v. Radnay; Welton v. Radnay; Hernandez v. Radnay; and Hines v. Radnay. (Exs. 14, 15, 16, 17, 18, 18A, 19, 19A, 20, 24, 26, 27, 28)
20. The Respondent submitted a Biennial Medical Staff Reappointment and Evaluation Form to St Luke's-Roosevelt Hospital dated December 2, 1985 in which he checked "No" in response to the following inquiry: "In the past two years, have you been subject to malpractice claims, suits, etc.?" (Ex. 13)
21. On December 2, 1985, the Respondent was subject to the five malpractice suits noted in Finding of Fact #14. (Ibid)
22. The Respondent submitted to St Lukes-Roosevelt Hospital the application noted in Finding of Fact #20, dated December 2, 1985 in which he was asked re: "Staff Appointments at other hospitals or health facilities:". The Respondent listed: "Att. Lenox Hill Hospital". (Ex. 13)
23. The Respondent failed to list his staff appointments at: The Cabrini Medical Center, Medical Arts Hospital and Doctor's Hospital on the December 2, 1985 application to St Lukes-Roosevelt Hospital. (Ex. 13)

CONCLUSIONS - ALLEGATIONS B THROUGH G

The Committee concludes that the documentary evidence is uncontroverted, that the Respondent in his applications to Lenox Hill Hospital, on August 20, 1985 and to St Luke's-Roosevelt Hospital, on May 23, 1983 and December 2, 1985, denied being the subject of any malpractice claims, when in fact he was a named party in several current ongoing actions. Therefore, we find that Allegations B, E and F are substantiated.

The record is likewise uncontroverted that on May 6, 1986, MLMIC notified the respondent that they had elected to not renew his malpractice insurance. We conclude that on September 30, 1986, when the Respondent applied for reappointment to Lenox Hill Hospital and on August 11, 1986 when he applied for reappointment to Doctor's Hospital he had been previously denied renewal of his malpractice insurance and failed to so indicate in his reappointment applications. The Respondent was fully aware of MLMIC's decision to deny him renewal even prior to official notification from the company. On March 30, 1986, the Respondent wrote to MLMIC in protest to their "...decision to deny me malpractice insurance coverage from MLMIC,...". We, therefore, conclude that Allegations C and D have been substantiated.

The record indicates, and we so find, that in his application to St Luke's-Roosevelt Hospital dated December 2, 1985, the Respondent listed under item #5, a request to list staff appointments at other hospitals, "Att. Lenox Hill Hospital". When, in fact, he had staff appointments at several other hospital which he did not reveal. Therefore, we find that Allegation G is substantiated.

The Committee finds that the Respondent, George S. Radnay, M.D. practiced the profession fraudulently and willfully filled a false report, Specifications one through fourteen, Findings of Fact thirteen through twenty-three. The Committee does not find, however, that the Respondent evidenced moral unfitness to practice the profession, Specification 15, Findings of Fact three through twelve.

RECOMMENDATION

The Committee recommends that the Respondent be censured and reprimanded for his violations of the New York State Education Law, Section 6509. In addition, we recommend that the Respondent be fined a total of Six Thousand Dollars (\$6,000).

DATED: Albany, N.Y.

May 5, 1990

Respectfully submitted

Marilyn M. Kritchman

Dr. Marilyn Kritchman, M.D.

Chairperson

Dr. Alexander M. DeLaGarza, M.D.

Ms. Denise M. Bolan, R.P.A.

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

-----X

IN THE MATTER :
OF : COMMISSIONER'S
GEORGE S. RADNAY, M.D. : RECOMMENDATION

-----X

TO: Board of Regents
New York State Education Department
State Education Building
Albany, New York

A hearing in the above-entitled proceeding was held on January 12, 1990, February 23, 1990 and February 26, 1990. Respondent, George S. Radnay, M.D., appeared by Daniel Shapiro, Esq. The evidence in support of the charges against the Respondent was presented by Daniel Guenzburger, Esq.

NOW, on reading and filing the transcript of the hearing, the exhibits and other evidence, and the findings, conclusions and recommendation of the Committee,

I hereby make the following recommendation to the Board of Regents:

- A. The Findings of Fact and Conclusions of the Committee should be accepted in full;
- B. The Recommendation of the Committee should be modified as follows: Respondent's license to practice medicine should be suspended for one year and such suspension stayed, and Respondent should be fined \$12,000 (\$2,000 per sustained specification) in lieu of the \$6,000 fine recommended by the Committee. The Committee concluded that Respondent had practiced

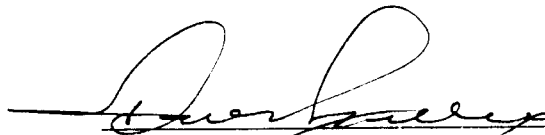
fraudulently and willfully filed false reports. The Committee concluded that he submitted six separate false applications for medical staff reappointments. On each occasion, he intentionally misled hospital administration about the risk he might pose to hospital patients. This, of course, may have permitted Respondent to gain the financial rewards of a staff appointment. This pattern of prevarication warrants a higher fine and the greater burden of the standard monitoring imposed with a license suspension; and

- C. The Board of Regents should issue an order adopting and incorporating the Findings of Fact and Conclusions and further adopting as its determination the Recommendation described above.

The entire record of the within proceeding is transmitted with this Recommendation.

DATED: Albany, New York

July 10, 1990


DAVID AXELROD, M.D., Commissioner
New York State Department of Health



The University of the State of New York

IN THE MATTER

OF

GEORGE S. RADNAY
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11225**

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11225, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (November 16, 1990): That, in the matter of **GEORGE S. RADNAY**, respondent, the recommendation of the Regents Review Committee be accepted as follows:

1. The hearing committee's findings of fact and the Commissioner of Health's recommendation as to those findings be accepted;
2. The following additional finding of fact be accepted:
 24. Respondent was aware of the facts set forth in findings of fact numbered 14, 17, 19, 21, and 23 at the time that he made the respective representations set forth in findings of fact numbered 13, 15, 16, 18, 20, and 22 and intentionally misrepresented his circumstances;
3. The conclusions of the hearing committee and the Commissioner of Health's recommendation as to those conclusions be accepted with the correction that "April 28, 1983" be deemed substituted in place of "March 28, 1983", at lines 1 and 2 of page 6 of the hearing

committee report; but that the conclusion of guilt rendered by both the hearing committee and the Commissioner of Health as to the first and eighth specifications and the conclusion by the Commissioner of Health relating to respondent gaining the financial rewards of a staff appointment not be accepted;

4. Respondent is guilty, by a preponderance of the evidence, of the second through seventh and ninth through fourteenth specifications of the charges, and not guilty of the first, eighth and fifteenth specifications of the charges;
5. The measure of discipline recommended by the hearing committee and Commissioner of Health be modified;
6. Based upon a more serious view of respondent's misconduct, respondent's license to practice as a physician in the State of New York be suspended for two years upon each specification of the charges of which respondent was found guilty, that said suspensions run concurrently, that execution of the last twenty-two months of said suspensions be stayed; and that respondent be fined a total of \$6,000 as follows:
 - a. \$1,000 each for the second and ninth specifications, to be imposed concurrently;
 - b. \$1,000 each for the third and tenth specifications, to be imposed concurrently;

GEORGE S. RADNAY (11225)

- c. \$1,000 each for the fourth and eleventh specifications, to be imposed concurrently;
- d. \$1,000 each for the fifth and twelfth specifications, to be imposed concurrently;
- e. \$1,000 each for the sixth and thirteenth specifications, to be imposed concurrently; and
- f. \$1,000 each for the seventh and fourteenth specifications, to be imposed concurrently; and

7. That said \$6,000 fine is to be made payable, by certified check, to the order of the New York State Education Department, and mailed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue, New York, New York 10016-5802 within six months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter.;

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 terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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

GEORGE S. RADNAY (11225)

the personal service of this order upon the respondent or five days after mailing by certified mail.

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 25th day of
November, 1990.

Thomas Sobol
Commissioner of Education