



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

February 11, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jules Rodin, M.D. Donald Rosenkrantz, Esq.
245 East 63rd Street 444 Park Avenue South
New York, New York 10021-7466 New York, New York 10016

Terrence Sheehan, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

RE: In the Matter of Jules Rodin, M.D.

Dear Dr. Rodin, Mr. Rosenkrantz and Mr. Sheehan:

Enclosed please find the Determination and Order (No. ARB-92-98) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

Tyrone T. Butler, nam

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

-----X
IN THE MATTER :
OF :
JULES RODIN, M.D. :

ADMINISTRATIVE
REVIEW BOARD
DETERMINATION
AND ORDER
ORDER NO. ARB-92-98

-----X
A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.¹ held deliberations on January 20, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") November 3, 1992 Determination and Order finding Dr. Jules Rodin guilty of professional misconduct and revoking his license to practice medicine in New York State. Dr. Rodin requested the review through a Notice of Review which the Board received on November 16, 1992. JAMES F. HORAN, ESQ., served as Administrative Officer to the Review Board. Donald Rosenkrantz, Esq. submitted a brief on Dr. Rodin's behalf on December 17, 1992, and Terrance Sheehan, Esq. submitted a brief on behalf of the Department of Health on December 23, 1992.

¹ At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct had charged Dr. Rodin with negligence on more than one occasion, incompetence on more than one occasion, gross negligence, practicing medicine fraudulently, practicing medicine while impaired and having a psychiatric condition which impairs the ability to practice. The charges involved four patients, A through D. Patient A was Dr. Rodin's wife. The Hearing Committee did not find sufficient evidence to sustain the charges that the Respondent practiced while impaired or had a condition which impaired him psychiatrically. The Committee sustained the charges that the Respondent practiced with gross negligence, with negligence and

incompetence on more than one occasion and that the Respondent practiced medicine fraudulently.

The Committee's chief findings related to Patient A.

The Committee found:

- that the Respondent was not Patient A's treating physician;
- that the Respondent prescribed Demerol for Patient A which was medically inappropriate and contraindicated;
- that the Respondent failed to advise the patient's treating physician or the hospital at which Patient A was being treated that she was receiving demerol
- that the Respondent administered Demerol to the patient at the hospital, although he was not her treating physician; and
- that the Respondent wrote a Demerol prescription for Patient B, intending the drug for Patient A, which the Respondent filled for and administered to Patient A.

The Committee also found the Respondent guilty of negligence and incompetence arising from his prescribing Lithium for Patients C and D.

The Hearing Committee voted to revoke the Respondent's license due to his actions relating to prescribing and administering Demerol to Patient A, and failing to inform hospital personnel concerning Patient A's history of Demerol use. The Committee found the charges involving Patients B, C and D did not in themselves warrant revocation, but the Committee found that this conduct constituted a serious breach of medical standards which the Committee felt was additive to the Respondent's misconduct relating to Patient A.

REQUESTS FOR REVIEW

The Respondent argues on this review that the Hearing Committee's Findings of Fact for Patients A, B, C and D are unsupported by the evidence. As to the findings on Patient A, the Respondent's brief states that Patient A was a difficult patient, who did not have one treating physician, that another physician had told the Respondent to give his wife (Patient A) Demerol, and that there was nothing in the hearing record to show that Demerol had harmed Patient A. On the penalty, the Respondent submits that the penalty is inappropriate and harsh, and the Respondent asks the Board, if the Board upholds the Hearing Committee findings, to moderate the penalty.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and votes to **sustain** the Hearing Committee's Determination and Order finding Dr. Rodin guilty of professional misconduct for negligence and incompetence on more than one occasion, gross negligence and fraudulent practice of medicine. The Review Board finds that the Hearing Committee's findings are supported by the evidence and we find no reason to overturn the findings.

The Review Board sustains the penalty of revocation based upon the reasons which the Hearing Committee stated on page 12 of their Report. The Committee's penalty is consistent with the findings of fact and conclusions. Revocation is an appropriate penalty in this case in which the Respondent is guilty

of negligence and incompetence on more than one occasion, gross negligence and the fraudulent practice of medicine.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The November 3, 1992 Determination and Order by the Hearing Committee on Professional Medical Conduct finding Jules Rodin, M.D. guilty of gross negligence, negligence on more than one occasion, incompetence on more than one occasion, and practicing medicine fraudulently is hereby **sustained**.
2. The Hearing Committee's Determination and Order revoking Dr. rodin's license to practice medicine in New York State is hereby **sustained**.

ROBERT M. BRIBER

MARYCLAIRE B. SHERWIN

EDWARD C. SINNOTT, M.D.

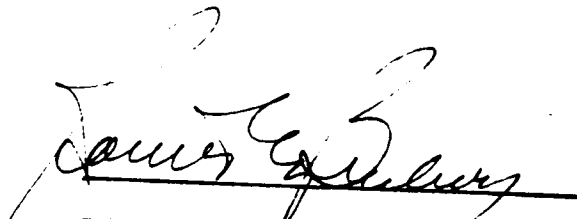
WILLIAM A. STEWART, M.D.

IN THE MATTER OF JULES RODIN, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Jules Rodin, M.D.

DATED: Albany, New York

2/4, 1993


ROBERT M. BRIBER

IN THE MATTER OF JULES RODIN, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Jules Rodin, M.D.

DATED: Albany, New York
February 9, 1993

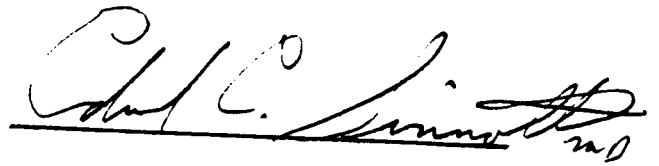
Maryclaire B. Sherwin
MARYCLAIRE B. SHERWIN

IN THE MATTER OF JULES RODIN, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Jules Rodin, M.D.

DATED: Albany, New York

February 3, 1993

A handwritten signature in cursive script, reading "Edward C. Sinnott, M.D.", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF JULES RODIN, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Jules Rodin, M.D.

DATED: Albany, New York

February 3, 1993

William A. Stewart M.D.

WILLIAM A. STEWART, M.D.