

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

IN THE MATTER
OF
ARNOLD BERNARD RUDOMINER, M.D.

COMMISSIONER'S
SUMMARY
ORDER

TO: ARNOLD BERNARD RUDOMINER, M.D.
2066 Middlefield Way, B26
Mountain View, CA 94043

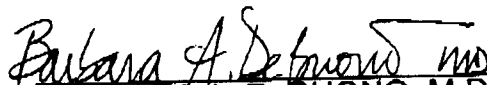
The undersigned, Barbara A. DeBuono, M.D., M.P.H., Commissioner of Health of the State of New York, pursuant to N.Y. Public Health Law §230 (McKinney 1990 and Interim Supp. 1997-1998 (as amended by Ch. 627 and 599 of the Laws of 1996)), upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction has made a finding substantially equivalent to a finding that the practice of medicine by ARNOLD BERNARD RUDOMINER (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people or that Respondent has been disciplined by such an agency for acts which if committed in this state would have constituted a basis for summary action by the Commissioner pursuant to N.Y. Public Health Law §230(12)(a) (McKinney 1990 and Supp. 1998 (as amended by Ch. 627 and 599 of the Laws of 1996)), as is more fully set forth in the Statement of Charges attached hereto and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b) (McKinney 1990 and Interim Supp. 1997-1998 (as amended by Ch. 627 and 599 of the Laws of 1996)), that effective immediately, Respondent shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12) (McKinney 1990 and Interim Supp. 1997-1998 (as amended by Ch. 627 and 599 of the Laws of 1996)).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Interim Supp. 1997-1998 (as amended by Ch. 627 and 599 of the Laws of 1996)), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Interim Supp. 1997-1998). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing to be provided to the Respondent either contemporaneously with this Summary Order or subsequently. Said written Notice may be provided in person, by mail, or by other means.

DATED: Albany, New York
January 27, 1998


BARBARA A. DeBUONO, M.D., M.P.H.
Commissioner of Health

Inquiries should be directed to:

ROY NEMERSON
Deputy Counsel - B.P.M.C.
N.Y.S. Department of Health
Division of Legal Affairs
5 Penn Plaza - Suite 601
New York, New York 10001
(212) - 613-2615

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

IN THE MATTER
OF
ARNOLD BERNARD RUDOMINER, M.D.

STATEMENT
OF
CHARGES

ARNOLD BERNARD RUDOMINER, M.D., the Respondent, was authorized to practice medicine in New York State in or about June 22, 1965, by the issuance of license number 094477 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. By Decision effective July 31, 1997, adopting a stipulation for surrender of licensure in which Respondent agreed that cause existed to impose discipline, the Division of Medical Quality of the State of California accepted the surrender of Respondent's license to practice as a physician in the state of California. The surrender followed the filing of an Accusation (attached and incorporated as Appendix I) that Respondent, a psychiatrist, practiced with gross negligence and/or incompetence in his treatment of Patient K.B. during the period December 1990 to February 1992, and that he was impaired for the practice of medicine by his psychiatric disorder, all as is more fully set forth in Appendix I.

SPECIFICATION OF CHARGES**FIRST SPECIFICATION****HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Interim Supp. 1997-1998) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(4, 5, 6, and/or 8)) as alleged in the facts of the following:

1. Paragraph A.

DATED: January 21, 1998
New York, New York

Roy Nemerson (by wgc)

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

1 DANIEL E. LINGREN, Attorney General
 of the State of California
 2 Susan K. Meadows
 Deputy Attorney General
 3 California Department of Justice
 50 Fremont Suite 300
 4 San Francisco, California 94102-3600
 Telephone: (415) 356-6282
 5
 Attorneys for Complainant

7 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10
 11 In the Matter of the Accusation) Case No. 03-92-20504
 Against:)
 12)
 13) **ACCUSATION**
 14)
 15)
 16)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)

ARNOLD B. RUDOMINER
 2066 Old Middlefield Way, B26
 Mountain View, CA 94043
 Physician & Surgeon's
 No. G55554
 Respondent.

18 The Complainant alleges:

19 **PARTIES**

- 20 1. Complainant, Ron Joseph, is the Executive Director
 21 of the Medical Board of California (hereinafter the "Board") and
 22 brings this accusation solely in his official capacity.
 23 2. On or about July 29, 1985, physician and surgeon's
 24 certificate No. G55554 was issued by the Board to Arnold B.
 25 Rudominer (hereinafter "respondent"), and at all times relevant
 26 to the charges brought herein, this license has been in full
 27 force and effect. Unless renewed, it will expire on December 31,

1 1996.

2 JURISDICTION

3 3. This accusation is brought before the Division of
4 Medical Quality of the Medical Board of California, Department of
5 Consumer Affairs (hereinafter the "Division"), under the
6 authority of the following sections of the California Business
7 and Professions Code (hereinafter "Code"):

8 A. Section 2227 of the Code provides that the Board
9 may revoke, suspend for a period not to exceed one year, or
10 place on probation, the license of any licensee who has been
11 found guilty under the Medical Practice Act.

12 B. Section 2234 of the Code provides, in pertinent
13 part, that unprofessional conduct includes, but is not
14 limited to, the following:

15 (b) Gross negligence.

16 (d) Incompetence.

17 C. Section 125.3 of the Code provides, in part, that
18 the Board may request the administrative law judge to direct
19 any licentiate found to have committed a violation or
20 violations of the licensing act, to pay the Board a sum not
21 to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 D. Section 822 of the Code provides, in pertinent
24 part, that if the Board determines that the licentiate's
25 ability to practice his or her profession safely is impaired
26 because the licentiate is mentally ill, or physically ill
27 affecting competency, the Board may take action by revoking

1 or suspending the licentiate's license, placing the
2 licentiate on probation, or taking such other action as the
3 Board in its discretion deems proper.

4
5 **FIRST CAUSE FOR DISCIPLINE**

6 (Gross Negligence And/Or Incompetence)

7 (Patient K.B.)

8 4. On or about December of 1990, respondent undertook
9 to treat patient B.K.¹ for psychological problems, including
10 depression, anxiety, intermittent binge eating, insomnia, and
11 difficulty getting along with coworkers. B.K. had also been a
12 child victim of incest. Respondent placed B.K. on disability
13 from her job and placed her on antidepressant medication.

14 5. During the course of therapy, from December of 1990
15 until approximately February of 1992, respondent attempted to
16 control B.K.'s life. He instructed B.K. to not have any contact
17 with her parents; told her that her parents were evil and that
18 her parents had passed this evil onto her; told her that she was
19 a vehicle of evil; told her that she was toxic; told her to get
20 rid of her cat because the cat was evil; told her that she needed
21 to "surrender"; told her to not see a chiropractor; told her that
22 her soul had an "excess of gold" in it; and, accused her of
23 causing other patients who had eating disorders to lose faith.

24 6. On or about early February of 1992, respondent was
25 contacted by B.K.'s uncle and advised that B.K.'s father, who
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27 1. The patient in question is referred to by initials to
protect privacy and confidentiality.

1 resided in Ohio, had died. Respondent told the uncle that he
2 would tell B.K. that her father was ill and that he would not
3 tell her that her father had died. Respondent, in fact,
4 telephoned B.K. and advised her that her father was ill.

5 7. On February 9, 1992, respondent left a telephone
6 message on B.K.'s answering machine advising her that he was
7 terminating her therapy and told her not to call him or anyone
8 for one month. He also told her that she was a vehicle to evil
9 and a vehicle to hurt people and that he wanted her to pay him
10 some of the money that she owed to him.

11 8. On or about February 14 or 15 of 1992, respondent
12 left another telephone message on B.K.'s answering machine.
13 Respondent told B.K. that his father had been admitted to the
14 hospital in Florida and described to B.K. his own hurt feelings,
15 and his own dynamics with his parents. He also told B.K. that he
16 felt that she was blaming him for her pain and that she needed to
17 come back to him for therapy and let go of her pride. Respondent
18 also advised B.K. that he did what was necessary for her,
19 otherwise she would have ended up in a hospital or would have
20 died. Respondent also told B.K. that "within nine months" she
21 could be well.

22 9. Respondent's treatment of B.K. as described in
23 paragraphs 4 through 8 constitutes gross negligence (an extreme
24 departure from the standard of practice) and/or incompetence
25 pursuant to sections 2234(b) and 2234 (d) of the Code for the
26 following reasons that include but are not limited to:

27 1. Respondent attempted to dominate the life and

1 the decisions of the patient in a totally inappropriate manner;

2 2. Respondent accused the patient of being
3 "evil" and "toxic" in his messages and during therapy,
4 notwithstanding the fact that such bizarre statements can cause
5 regression in a patient who presents with B.K.'s history;

6 3. Respondent failed to maintain therapeutic
7 boundaries with B.K. by injecting his personal life and feelings
8 into the therapeutic relationship in an excessive manner;

9 4. In a telephone message, respondent abandoned
10 B.K. and told her not to contact him or anyone else for one month
11 during a time (after her father's death) that she was most likely
12 to need therapy;

13 5. Respondent lied to B.K. concerning her
14 father's death knowing that this patient had trust issues;

15 6. Respondent made grandiose and unfounded
16 promises to B.K. by telling her she would be well within nine
17 months.

18 Therefore, cause for disciplinary action exists.

19 **SECOND CAUSE FOR DISCIPLINARY ACTION**

20 10. The allegations in paragraphs 1 through 9 above
21 are incorporated herein by reference.

22 11. On or about November 3, 1993, respondent agreed to
23 undergo a voluntary psychiatric examination. The psychiatric
24 examination, which included psychological testing, was concluded
25 on or about August of 1995. The evaluator concluded that
26 respondent suffers from an ongoing adjustment disorder and
27 possesses narcissistic and avoidant traits that interfere with

1 his clinical judgment and affect his ability to effectively
2 practice psychiatry. The evaluator concluded that, in order for
3 respondent to be allowed to continue to practice with safety to
4 the public, respondent should be required to undergo psychiatric
5 therapy on at least a weekly basis because of the liability that
6 these traits may again hamper his ability to interact with
7 patients in a clinically skillful manner.

8 12. Based on the aforementioned evaluation, cause for
9 disciplinary action is established under Code section 822.

10 **PRAYER**

11 **WHEREFORE**, the complainant requests that a hearing be
12 held on the matters herein alleged, and that following the
13 hearing, the Division issue a decision:

- 14 1. Revoking or suspending License Number G55554,
15 heretofore issued to respondent Arnold B. Rudominer;
- 16 2. Revoking, suspending or denying approval of the
17 respondent's authority to supervise physician's assistants,
18 pursuant to Business and Professions Code section 3527;
- 19 3. Ordering respondent to pay the Division the actual
20 and reasonable costs of the investigation and enforcement of this
21 case;

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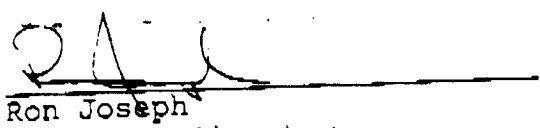
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4. Taking such other and further action as the
Division deems necessary and proper.

DATED: August 16, 1996



Ron Joseph
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant