

THE STATE EDUCATION DEPARTMENT THE COLLEGE TO THE

OFFICE OF PROFESS CINAL DISCIPLINE, A VIIZOGIG BUILDE BOUDTH STREET, RM BYT LIVERED DUNK 13088

1997

November 7, 1997

Judith A. Stein, Physician REDACTED

Re: Application for Restoration

Dear Dr. Stein:

Enclosed please find the Commissioner's Order regarding Case No. 97-108-60R which is in reference to Calendar No. 0016160. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER Director of Investigations

By: REDACTED

Gustave Martine Supervisor

cc: Kevin A. McCarthy, Esq. Myer, Svozzi, English & Klein, PC 1505 Kellum Place Mineola, NY 11501



IN THE MATTER

of the

Application of JUDITH A. STEIN for restoration of his license to practice medicine in the State of New York

Case No. 97-108-60R

It appearing that the license of JUDITH A. STEIN, REDACTED

Connecticut 06515, to practice medicine in the State of New York, was revoked by action of the State Board for Professional Medical Conduct effective April 9, 1993, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed and considered the recommendations of the Peer Review Panel and the Committee on the Professions, and having determined to accept the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on September 19, 1997, it is hereby

ORDERED that the petition for restoration of License No. 145655, authorizing JUDITH A. STEIN to practice as a physician in the State of New York, is denied, but that the execution of the order of revocation is stayed, and that said JUDITH A. STEIN is placed on probation for a period of five years under specified terms and conditions.



IN WITNESS WHEREOF, I, RICHARD P. MILLS, Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department at the City of Albany, this / day of October, 1997.

REDACTED

Commissioner of Education

It appearing that the license of JUDITH A. STEIN, REDACTED

engage in the practice of medicine in the State of New York, having been revoked by action of the State Board for Professional Medical Conduct effective April 9, 1993, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed and considered the recommendations of the Peer Review Panel and the Committee on the Professions, and having determined to accept the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on September 19, 1997, it was

VOTED that the petition for restoration of License No. 145655, authorizing JUDITH A. STEIN to practice as a physician in the State of New York, be denied, but that the execution of the revocation of said license be stayed, and that said JUDITH A. STEIN be placed on probation for a period of five years under specified terms and conditions.

## Exhibit "A"

## TERMS OF PROBATION OF THE COMMITTEE ON THE PROFESSIONS

## JUDITH A. STEIN

- 1. That applicant shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether applicant is in compliance with the following:
  - a. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
  - b. That applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, applicant's residence, telephone number, or mailing address, and of any change in applicant's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
  - c. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
  - d. That applicant shall submit written proof to the New York State Department of Health; addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof to the New York State Department of Health, that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant 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;

- e. That, during the period of probation, applicant is prohibited from practicing and engaging in surgery;
- That applicant shall, at the applicant's expense, enroll in and successfully complete the one year ophthalmology fellowship at Montefiore hospital referred to in the record of this restoration proceeding or; in lieu of that fellowship, the applicant shall, at the applicant's expense, enroll in and diligently pursue continuing medical education, said training to be selected by the applicant and previously approved, in writing, by the Director of the Office of Professional Medical Conduct, said continuing medical education to consist of at least 50 credit hours each year for each of the five years of this probation, and to be satisfactorily completed during the period of probation, such completion to be verified in writing and said verification to be submitted to the Director of the Office of Professional Medical Conduct; and
- That applicant shall only practice as a physician under g. the supervision of a physician board certified in ophthalmology, said supervising physician to be selected by applicant and previously approved, in writing, by the Director of the Office of Professional Medical Conduct. Said supervision shall include the random selections and review by said supervisor of applicant's patients records, office records and hospital charts in regard to applicant's practice and applicant shall also be required to make such records available to said supervisor at any time requested by said supervisor and that said supervisor shall submit a report, once every three months, regarding the above-mentioned supervision of applicant's practice to the Director of the Office of Professional Medical Conduct.
- 2. If the Director of the Office of Professional Medical Conduct determines that applicant may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions Application for Restoration of Medical license

Re: Judith A. Stein

Attorney: Kevin M. McCarthy

Judith A. Stein, REDACTED petitioned for restoration of her medical license. The chronology of events is as follows:

- 04/03/81 Issued license number 145655 to practice medicine in New York State.
- 12/17/92 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 03/23/93 Hearing Committee, State Board for Professional Medical Conduct, determined and ordered revocation of license.
- 04/09/93 Order of State Board for Professional Medical Conduct effective.
- 05/10/94 Petition for restoration of medical license submitted.
- 11/01/96 Peer Review Panel restoration review.
- 03/05/97 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 07/22/97 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. On December 17, 1992, the State Board for Professional Medical Conduct of the Department of Health charged Dr. Stein with professional misconduct as a result of having her license to practice medicine revoked by the State of Connecticut after disciplinary action was instituted by that state, where the conduct resulting in the surrender and revocation would, if committed in New York State, constitute professional misconduct under the laws of the State of New York. The Division of Medical Quality Assurance of the Department of Health Services of the State of Connecticut, through a Consent Order, revoked Dr. Stein's medical license on September 8, 1988, based upon her admission that "Due to mental illness she is unable to practice medicine and surgery with reasonable skill or safety." On March 23, 1993, a

abuse of the diet pills started. Dr. Stein indicated that her abuse reached a point where she was taking about 10 diet pills a day. She said that she took her last pill in 1987. Dr. Stein reported that she returned to New Haven to live with her parents and received psychiatric help for three years, but "did not get much out of it." She indicated that she worked at many jobs and eventually enrolled in library school. She told the Committee that her father repeatedly told her "You don't deserve to be a doctor."

Dr. Stein indicated that her life changed when she began receiving therapy from Dr. Fraad in 1991. She said that it took her more than a year of therapy before she decided that she really wanted to be a doctor. Through therapy, she reported, she discovered who she was, why she got into trouble, and that she was a person of self-worth. The Committee asked why that therapy was different from her previous experiences. Dr. Stein replied that the new therapist was a kind person who treated her with respect and as a person with value. She said that her family kept constantly saying "How could anyone do such a terrible thing?" Dr. Stein stated that she had abusive relationships with both her husband and father and now realizes that "all along I would have been ready to get help." She indicated that she always felt that she had to please her father and others.

In response to the Committee's questions as to what was different now, Dr. Stein replied that she had spent 10 years trying to put her life on track. She said that she was now comfortable with who she was and what she'd done. She indicated that if she now had a problem she would take it to others and feels that secrets were what got her into trouble. She stated that to the best of her knowledge, no patient had been harmed by her actions. Dr. Stein said "I can't even jaywalk any more."

Dr. Stein told the Committee that she has no desire to ever do surgery again. She reported to the Committee that she was lefthanded and since at the time she was performing surgery most surgical implements were for right-handed physicians, she now feels that much of her observed awkwardness might have been attributed to this situation. Nevertheless, Dr. Stein indicated that she would never again practice surgery. Dr. Stein said that she had been volunteering once a week for Dr. Burde, Chief of the Ophthalmology at Montefiore Hospital. She reported that he had Department offered her a fellowship but she couldn't participate in it until her license was restored in this State. Dr. Stein stated that one of the conditions of her Consent Order signed in Connecticut in 1995 was completion of a one-year post-graduate fellowship. She pointed out that Connecticut's Consent Order did not require drug testing. She indicated that fellowships in ophthalmology were difficult to obtain in Connecticut and that is why she explored possibilities at Montefiore Hospital. If her license were restored in New York State, Dr. Stein stated, she would work with Dr. Burde.