



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

**C. Maynard Guest, M.D.**  
Executive Secretary

October 6, 1992

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Rodolfo Sy, M.D.  
1845 Sixth Avenue  
Watervliet, New York 12189

RE: License No. 157603  
Effective Date 10/08/92

Dear Dr. Sy:

Enclosed please find Order #BPMC 92-79 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :  
OF : ORDER  
RODOLFO SY, M.D. : BPMC 92-79

-----X

Upon the Application of RODOLFO SY, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

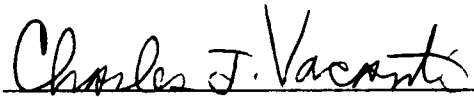
ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 17 September 1992

  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specifications of professional misconduct set forth in the charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued

striking my name from the roster of physicians in the State of New York without further notice 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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RODOLFO SY, M.D.  
Respondent

Sworn to before me this  
28<sup>th</sup> day of AUGUST, 1992



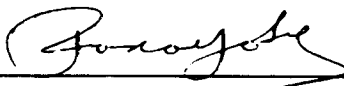
NOTARY PUBLIC  
CONSTANCE M. CHRISTMAS  
Notary Public, State of New York  
Qualified in Albany County  
No. 4826525  
Commission Expires Nov. 30, 1992

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

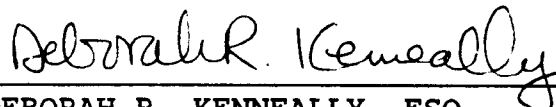
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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
RODOLFO SY, M.D. : LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender his license.

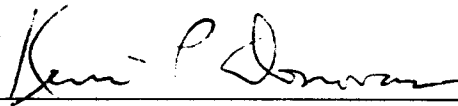
Date: AUGUST 28, 1992

  
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RODOLFO SY, M.D.  
Respondent

Date: AUGUST 28, 1992

  
\_\_\_\_\_  
DEBORAH R. KENNEALLY, ESQ.  
Attorney for Respondent

Date: September 8, 1992

  
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KEVIN P. DONOVAN, ESQ.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: 17 September 1992

*Laura Leeds for K.M.T.*

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KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

Date: 17 September 1992

*Charles J. Vacanti*

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CHARLES J. VACANTI, M.D.  
Chairperson, State Board for  
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
RODOLFO SY, M.D. : CHARGES

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RODOLFO SY, M.D., the Respondent, was authorized to practice medicine in New York State on March 5, 1984, by the issuance of license number 157603 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, 1991, through December 31, 1992, with a registered address of 1845 Sixth Avenue, Watervliet, New York 12189.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in Appendix A) in his office at 1845 Sixth Avenue, Watervliet, New York 12189 (his office) from on or about February 8, 1991, through July 17, 1991.

1. Respondent inappropriately prescribed Didrex, Bumex and Micro-K for Patient A.
2. Respondent failed to perform adequate laboratory studies while he was prescribing Didrex and diuretics for the patient.

EXHIBIT A



3. Respondent prescribed Didrex, a controlled substance, to Patient A despite being informed that the controlled substance was being taken by a person other than Patient A.
4. Respondent failed to establish an appropriate weight loss program for Patient A
5. Respondent prescribed Tussionex, a controlled substance, for Patient A without adequate medical indication.
6. Respondent prescribed Tussionex, a controlled substance, for Patient A despite being told that Patient A was sharing the controlled substance with a girlfriend and that he and his girlfriend used it to "get high" and to enhance sexual relations.
7. Respondent did not maintain an adequate medical record for Patient A.

B. Respondent treated Patient B at his office from on or about March 11, 1991, to March 3, 1992.

1. Respondent prescribed Winstrol and Deca-Durabolin (anabolic steroids) for Patient B on March 11, 1991, without an adequate history, without an adequate physical examination, without adequate medical indication, without adequate informed consent, and/or without adequate laboratory studies.
2. On March 15, 1992, Respondent was told by a pharmacist that it was illegal to prescribe anabolic steroids for weight lifting.
3. Respondent prescribed Winstrol, Deca-Durabolin, and/or Anadrol for Patient B on April 9, 1991, May 7, 1991, June 4, 1991, and July 8, 1991, without an adequate history, an adequate physical examination, and/or without adequate laboratory studies.
4. Respondent did not maintain an adequate medical record for Patient B.

C. Respondent treated Patient C at his office from on or about March 11, 1991, to April 9, 1991.

1. Respondent prescribed Winstrol and Deca-Durabolin (anabolic steroids) for Patient C on March 11, 1991, without an adequate history, without an adequate physical examination, without adequate medical indication, without adequate informed consent, and/or without adequate laboratory studies.
2. Respondent prescribed Winstrol and Deca-Durabolin for Patient C on April 9, 1991, without an adequate history, an adequate physical examination, and/or without adequate laboratory studies.
3. Respondent did not maintain an adequate medical record for Patient C.

D. Respondent treated Patient D at his office from on or about April 26, 1991, to July 8, 1991.

1. Respondent prescribed Winstrol and Deca-Durabolin (anabolic steroids) for Patient D on April 26, 1991, without an adequate history, without an adequate physical examination, without adequate medical indication, without adequate informed consent, and/or without adequate laboratory studies.
2. Respondent prescribed Winstrol, Deca-Durabolin, and/or Anadrol for Patient D on June 4, 1991, and July 8, 1991, without an adequate history physical examination, and/or adequate laboratory studies.
3. Respondent did not maintain an adequate medical record for Patient D.

E. Respondent treated Patient E at his office from on or about September 12, 1990, until at least April 6, 1992.

1. Respondent did not perform an adequate initial history, physical examination, or laboratory studies of Patient E.
2. Respondent inappropriately prescribed Didrex and Furocimide to Patient E.

3. Respondent did not perform adequate laboratory studies while he was prescribing Didrex and diuretics for Patient E.
4. Respondent failed to establish an appropriate weight loss program for Patient E.
5. Respondent did not maintain an adequate medical record for Patient E.

F. Respondent treated Patient F at his office from on or about December 11, 1989, until at least March 17, 1992.

1. Respondent did not perform an adequate history, physical examination, or laboratory studies of Patient F.
2. Respondent inappropriately prescribed Tussionex, Vicodin, Lortabs, and Percocet for Patient F.
3. Respondent did not adequately evaluate and treat Patient F for his complaints of back pain, pharyngitis, shoulder pain, tendonitis, or dermatitis.
4. Respondent did not maintain an adequate medical record for Patient F.

G. Respondent treated Patient G at his office from on or about January 25, 1990, to at least December 20, 1991.

1. Respondent did not perform an adequate history, physical examination, or laboratory studies of Patient G.
2. Respondent did not adequately evaluate Patient G for her complaints of migraine headaches.
3. Respondent inappropriately prescribed Lortabs for Patient G.
4. Respondent did not maintain an adequate medical record for Patient G.

H. Respondent treated Patient H at his office from on or about June 1, 1990, until at least August 6, 1991.

1. Respondent did not perform an adequate history, physical examination or laboratory studies of Patient H.
2. Respondent did not adequately evaluate Patient H for her complaints of migraine headaches.
3. Respondent inappropriately prescribed Didrex, Tylenol # 3, Percodan, Fioricet, Fiorinol # 3, Valium and diuretics for Patient H.
4. Respondent did not perform adequate laboratory studies while he was prescribing Didrex and diuretics for Patient H.
5. Respondent failed to establish an appropriate weight loss program for Patient H.
6. Respondent did not maintain an adequate medical record for Patient H.

I. Respondent treated Patient I at his office from approximately December 21, 1990, until at least January 20, 1992.

1. Respondent did not perform an adequate history, physical examination or laboratory studies of Patient I.
2. Respondent did not adequately evaluate Patient I for his complaints of low back pain.
3. Respondent inappropriately prescribed Didrex, Bumex, Darvocet, and Tussionex for Patient I.
4. Respondent did not perform adequate laboratory studies while he was prescribing Didrex and diuretics for Patient I.
5. Respondent failed to establish an appropriate weight loss program for Patient I.
6. Respondent did not maintain an adequate medical record for Patient I.

J. Respondent treated Patient J at his office from on or about July 5, 1990, until at least January 27, 1992.

1. Respondent did not perform an adequate history, physical examination, or laboratory studies of Patient J.
2. Respondent did not adequately evaluate Patient J for complaints of migraine headache and low back pain.
3. Respondent inappropriately prescribed Didrex, Bumex, Tussionex, Darvocet, and Xanax for Patient J.
4. Respondent did not appropriately treat Patient J based on laboratory studies while he was prescribing Didrex and diuretics.
5. Respondent failed to establish an adequate weight loss program for Patient J.
6. Respondent did not maintain an adequate medical record for Patient J.

K. Respondent treated Patient K at his office from on or about March 20, 1990, until at least December 16, 1991.

1. Respondent did not perform an adequate history, physical examination, or laboratory studies of Patient K.
2. Respondent did not adequately evaluate or treat Patient K for her complaints of migraine headaches, pharyngitis, shoulder and back pain, and viral gastroenteritis.
3. Respondent inappropriately prescribed Tussionex, Lortabs, Fiorinal, Darvocet, Valium, and Prozac for Patient K.
4. Respondent did not perform adequate laboratory studies while he was prescribing Didrex and diuretics for Patient K.
5. Respondent failed to establish an adequate weight loss program for Patient K.
6. Respondent did not maintain an adequate medical record for Patient K.

SPECIFICATION OF CHARGES

FIRST THROUGH ELEVENTH SPECIFICATIONS

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence under N.Y. Educ. Law §6530(4) (McKinney Supp. 1992), [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges:

1. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, and/or A and A6.
2. The facts of paragraphs B and B1, B and B2, and/or B and B3.
3. The facts of paragraphs C and C1, and/or C and C2.
4. The facts of paragraphs D and D1, and/or D and D2.
5. The facts of paragraphs E and E1, E and E2, E and E3, and/or E4.
6. The facts of paragraphs F and F1, F and F2, and/or F and F3.
7. The facts of paragraphs G and G1, G and G2, and/or G and G3.
8. The facts of paragraphs H and H1, H and H2, H and H3, H and H4, and/or H and H5.
9. The facts of paragraphs I and I1, I and I2, I and I3, I and I4, and/or I and I5.
10. The facts of paragraphs J and J1, J and J2, J and J3, J and J4, and/or J and J5.
11. The facts of paragraphs K and K1, K and K2, K and K3, K and K4, and/or K and K5.

TWELFTH THROUGH TWENTY-SECOND SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence under N.Y. Educ. Law §6530(6) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges:

12. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, and/or A and A6.
13. The facts of paragraphs B and B1, B and B2, and/or B and B3.
14. The facts of paragraphs C and C1, and/or C and C2.
15. The facts of paragraphs D and D1, and/or D and D2.
16. The facts of paragraphs E and E1, E and E2, E and E3, and/or E4.
17. The facts of paragraphs F and F1, F and F2, and/or F and F3.
18. The facts of paragraphs G and G1, G and G2, and/or G and G3.
19. The facts of paragraphs H and H1, H and H2, H and H3, H and H4, and/or H and H5.
20. The facts of paragraphs I and I1, I and I2, I and I3, I and I4, and/or I and I5.
21. The facts of paragraphs J and J1, J and J2, J and J3, J and J4, and/or J and J5.
22. The facts of paragraphs K and K1, K and K2, K and K3, K and K4, and/or K and K5.

TWENTY-THIRD SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE  
THAN ONE OCCASION

The Respondent is charged with practicing the profession of medicine with negligence on more than one occasion under N.Y. Educ. Law §6530(3) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges two or more of the following:

23. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, A and A6, B and B1, B and B2, B and B3, C and C1, C and C2, D and D1, D and D2, E and E1, E and E2, E and E3, E and E4, F and F1, F and F2, F and F3, G and G1, G and G2, G and G3, H and H1, H and H2, H and H3, H and H4, H and H5, I and I1, I and I2, I and I3, I and I4, I and I5, J and J1, J and J2, J and J3, J and J4, J and J5, K and K1, K and K2, K and K3, K and K4, and/or K and K5.

TWENTY-FOURTH SPECIFICATION

PRACTICING WITH INCOMPETENCE ON  
MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion under N.Y. Educ. Law §6530(5) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges two or more of the following:

24. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, A and A6, B and B1, B and B2, B and B3, C and C1, C and C2, D and D1, D and D2, E and E1, E and E2, E and E3, E and E4, F and F1, F and F2, F and F3, G and G1, G and G2, G and G3, H and H1, H and H2, H and H3, H and H4, H and H5, I and I1, I and



I2, I and I3, I and I4, I and I5, J and J1, J and J2, J and J3, J and J4, J and J5, K and K1, K and K2, K and K3, K and K4, and/or K and K5.

TWENTY-FIFTH THROUGH THIRTY-FIFTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law §6530(2) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(2)] in that Petitioner charges:

25. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, and/or A and A6.
26. The facts of paragraphs B and B1, B and B2, and/or B and B3.
27. The facts of paragraphs C and C1, and/or C and C2.
28. The facts of paragraphs D and D1, and/or D and D2.
29. The facts of paragraphs E and E1, E and E2, E and E3, and/or E4.
30. The facts of paragraphs F and F1, F and F2, and/or F and F3.
31. The facts of paragraphs G and G1, G and G2, and/or G and G3.
32. The facts of paragraphs H and H1, H and H2, H and H3, H and H4, and/or H and H5.
33. The facts of paragraphs I and I1, I and I2, I and I3, I and I4, and/or I and I5.
34. The facts of paragraphs J and J1, J and J2, J and J3, J and J4, and/or J and J5.
35. The facts of paragraphs K and K1, K and K2, K and K3, K and K4, and/or K and K5.

THIRTY-SIXTH THROUGH FORTY-SIXTH SPECIFICATIONS  
MORAL UNFITNESS

Respondent is charged with exhibiting conduct in the practice of the profession which evidences moral unfitness to practice the profession under N.Y. Educ. Law §6530(20) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR §29.1(b)(5)] in that Petitioner charges:

36. The facts of paragraphs A and A1, A and A2, A and A3, A and A4, A and A5, and/or A and A6.
37. The facts of paragraphs B and B1, B and B2, and/or B and B3.
38. The facts of paragraphs C and C1, and/or C and C2.
39. The facts of paragraphs D and D1, and/or D and D2.
40. The facts of paragraphs E and E1, E and E2, E and E3, and/or E4.
41. The facts of paragraphs F and F1, F and F2, and/or F and F3.
42. The facts of paragraphs G and G1, G and G2, and/or G and G3.
43. The facts of paragraphs H and H1, H and H2, H and H3, H and H4, and/or H and H5.
44. The facts of paragraphs I and I1, I and I2, I and I3, I and I4, and/or I and I5.
45. The facts of paragraphs J and J1, J and J2, J and J3, J and J4, and/or J and J5.
46. The facts of paragraphs K and K1, K and K2, K and K3, K and K4, and/or K and K5.

FORTY-SEVENTH THROUGH FIFTY-SEVENTH SPECIFICATIONS

INADEQUATE MEDICAL RECORDS

Respondent is charged with misconduct of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient pursuant to Education Law §6530(32) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR 29.2(a)(3)] in that Petitioner charges:

47. The facts of paragraphs A and A7.
48. The facts of paragraphs B and B4.
49. The facts of paragraphs C and C3.
50. The facts of paragraphs D and D3.
51. The facts of paragraphs E and E5.
52. The facts of paragraphs F and F4.
53. The facts of paragraphs G and G4.
54. The facts of paragraphs H and H6.
55. The facts of paragraphs I and I6.
56. The facts of paragraphs J and J6.
57. The facts of paragraphs K and K6.

DATED: Albany, New York

*August 25, 1992*

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct