



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

Paula Wilson
Executive Deputy Commissioner

April 5, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marcia E. Kaplan, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Daniel Markewich, Esq.
Mound, Cotton & Wollan
One Battery Park Plaza
New York, New York 10004

Robert Vidor, M.D.
837 Kearny Avenue
Kearny, New Jersey 07032

RE: In the Matter of Robert Vidor, M.D.

Dear Ms. Kaplan, Mr. Markewich and Dr. Vidor:

Enclosed please find the Determination and Order (No. BPMC-93-53) of the Hearing Committee 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

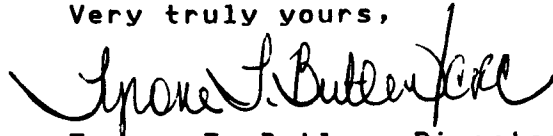
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower - Room 2503
Empire State Plaza
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the
Administrative Review Board's Determination and Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tyrone T. Butler". The signature is written in dark ink and is positioned above the typed name.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc
Enclosure

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

-----X
IN THE MATTER

: DETERMINATION

OF

: AND

ROBERT VIDOR, M.D.

: ORDER

-----X
ORDER NO. BPMC-93-53

A Notice of Hearing and Statement of Charges, both dated June 23, 1992, were served upon the Respondent, ROBERT VIDOR, M.D. **THEA GRAVES PELLMAN (Chair), ROBERT J. O'CONNOR, M.D., and EDWARD C. ZAINO, M.D.,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. A hearing was held on October 1, 1992. The Department of Health appeared by Marcia E. Kaplan, Esq., Associate Counsel. The Respondent appeared by Mound, Cotton & Wollan, Daniel Markewich, Esq., of counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law

:

Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(c) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. 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.

1. Robert Vidor, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State on February 14, 1975 by the issuance of license number 122915 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine. He was last registered to practice medicine for the period January 1,

1989 through December 31, 1990 from 837 Kearny Avenue, Kearny, New Jersey 07032. (Pet. Ex. #2).

2. On October 29, 1987, the Administrator of the United States Drug Enforcement Administration (hereinafter "DEA") issued a final Order revoking Respondent's DEA Certificates of Registration (#AV4675003 and #AV2808422) based upon a finding that Respondent's continued registration was inconsistent with the public interest pursuant to 21 U.S.C. 823(f) and 824(a)(4). The Administrator found that on three separate occasions in 1983 Respondent prescribed controlled substances to an undercover investigator which were not prescribed for a legitimate medical purpose, that Respondent prescribed controlled substances for an individual even after being told that the individual was a drug addict and was selling some of the drugs which Respondent prescribed for him, and that Respondent freely prescribed controlled substances to methadone clinic clients without coordinating treatment with the clinic. The Administrator's final Order adopted the May 11, 1987 Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of an administrative law judge, after an administrative hearing. No appeal is pending. (Pet. Ex. #3).

3. On February 21, 1991, the New Jersey State Board of Medical Examiners (hereinafter "New Jersey Board") issued a Final Order which suspended Respondent's license to practice medicine in New Jersey for one year, with all but thirty days stayed, such active suspension to commence on March 1, 1991 and to end on March

30, 1991. The New Jersey Board further ordered Respondent not to apply for or hold federal DEA or state controlled dangerous substances (C.D.S.) privileges for a minimum of one year. (Pet. Ex. #4).

4. The Final Order issued by the New Jersey Board resolved a pending disciplinary action against Respondent which was commenced by issuance of a complaint on June 17, 1987, charging Respondent with misconduct in violation of N.J.S.A. 45:1-21(e), indiscriminate prescribing or the prescribing not in good faith of controlled dangerous substances in violation of N.J.S.A. 45:1-21(c), gross neglect in the practice of medicine in violation of N.J.S.A. 45:9-16(h) and repeated malpractice in violation of N.J.S.A. 45:1-21(c). The charges were based upon the findings of fact rendered by the administrative law judge in the DEA proceedings set forth in Paragraph #2, above. In the Final Order, the parties agreed that this matter commenced on June 17, 1987 with the filing of the complaint, that Respondent desired to resolve the matter without the necessity of further formal proceedings, because many of the allegations of the complaint occurred long ago, because Respondent had not prescribed C.D.S. since the revocation of his DEA privileges, and had practiced psychiatry without incident since 1987 and for other good cause shown. (Pet. Ex. #4).

5. Respondent was first licensed to practice medicine in the United States in 1961. Respondent is from Hungary, where he received his initial medical education and was licensed to practice

medicine in 1951. Respondent is engaged in the practice of psychiatry. At the time of the hearing, Respondent was sixty-six years of age. (33-34, 36).

6. Respondent has never been the subject of disciplinary action, other than that action resulting from the improper controlled substance violations which occurred in 1983. (36-37).

7. Subsequent to the suspension of his medical license by the New Jersey Board, Respondent undertook a "mini-residency" in the proper prescribing of controlled dangerous substances. The program was sponsored by the University of Medicine & Dentistry of New Jersey - Robert Wood Johnson Medical School. (38; Resp. Ex. P).

8. The program consisted of six days of classroom lecture and discussion, followed by a week spent at a rehabilitation facility. The program participants took part in counselling sessions and a lecture series. At the conclusion of the mini-residency, a written examination was administered. Respondent achieved a score of 82 on the examination. The passing score was 65. (38-40; Resp. Ex. P).

9. Respondent does not maintain a medical practice in New York State. He does perform diagnostic work for the Children's Aid Society in New York, for approximately six to twelve hours per week. He has provided diagnostic services to the Children's Aid Society for approximately four years. His work at the Society does not involve the prescription of any controlled substances. (33).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the Department has sustained its burden of proof. The record demonstrated that on October 29, 1987, the Administrator of the DEA issued a final Order revoking Respondent's DEA Certificates of Registration, following a hearing. Respondent had violated federal law by prescribing controlled substances to an undercover investigator which were not prescribed for a legitimate medical purpose. Further, Respondent prescribed controlled substances for an individual even after being told that the person was a drug addict and was selling some of the drugs prescribed for him by Respondent. Respondent also prescribed controlled substances to methadone clinic patients without coordinating treatment with the clinic.

The Hearing Committee further concluded that Respondent's conduct would constitute professional misconduct pursuant to Education Law Section 6530, had the conduct occurred in New York State. More specifically, the Committee concluded that Respondent's actions would constitute practicing fraudulently (Section 6530(2)), practicing the profession with negligence on more than one occasion (Section 6530(3)), practicing with gross negligence on a particular occasion (Section 6530(4)), and ordering excessive treatment not warranted by the condition of the patient

(Section 6530(35)). As a result, the Hearing Committee sustained the First Specification.

The record also established that Respondent's New Jersey medical license was suspended following the issuance of a final Order by the New Jersey Board. The order was issued following the institution of disciplinary proceedings against Respondent on June 17, 1987. The New Jersey action was predicated upon the same findings of fact determined by the DEA administrative hearing. Therefore, the Hearing Committee concluded that the Second Specification should be sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be suspended for a period of two years following the effective date of this Determination and Order. The final year of this two-year suspension shall be stayed, and Respondent placed on probation. The complete terms of probation are attached to this Determination and Order in Appendix II. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The record established that Respondent committed significant violations of federal controlled substance statutes, as found by the DEA administrative law judge. Such misuse of

controlled substance privileges has the potential of placing patients in grave risk of harm. The Hearing Committee has an independent responsibility for determining the sanction to be imposed upon Respondent's New York medical license, due to this misconduct. It is not bound by the decision of the New Jersey Board, which imposed a relatively minor sanction. The Hearing Committee considers Respondent's misconduct to be very serious. Taken in isolation, Respondent's conduct would justify a revocation of his medical license.

However, a number of mitigating factors persuaded the members of the Hearing Committee that a lesser sanction should be imposed. The misconduct which provided the basis for this disciplinary proceeding took place in 1983, nearly ten years ago. Respondent's misconduct in 1983 constitutes the only blemish on Respondent's medical career in the United States, which spans a period of three decades. Respondent has undertaken a period of re-training in an attempt to re-educate himself in the proper use of controlled substances.

Most importantly, the Hearing Committee had the opportunity to directly observe Respondent's demeanor during his testimony at the hearing. The Committee believes that Respondent is genuinely remorseful regarding his past misconduct and that he has demonstrated a significant potential for rehabilitation. Therefore, the Hearing Committee determined that a two-year

suspension, with one year stayed and probation imposed, was the appropriate sanction under the circumstances.

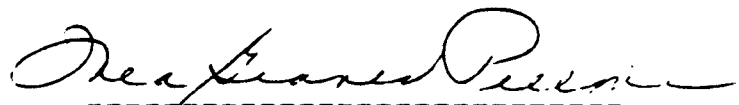
ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First and Second Specifications of professional misconduct set forth in the Statement of Charges, dated June 23, 1992 (Petitioner's Exhibit #1) are **SUSTAINED**; and
2. Respondent's license to practice medicine in New York State shall be suspended for a period of two years from the effective date of this Determination and Order. The final year of this two-year suspension shall be stayed, and Respondent shall be placed on probation in accordance with the terms of probation contained in Appendix II which is attached to this Determination and Order and incorporated herein.

DATED: Albany, New York

March 31, 1993



THEA GRAVES PELLMAN (Chair)

Robert J. O'Connor, M.D.

Edward C. Zaino, M.D.

TO: Marcia E. Kaplan, Esq.
Associate Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

Daniel Markewich, Esq.
Mound, Cotton & Wollan
One Battery Park Plaza
New York, New York 10004

Robert Vidor, M.D.
837 Kearny Avenue
Kearny, New Jersey 07032

APPENDIX I

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

-----X
IN THE MATTER :
OF : NOTICE OF
ROBERT VIDOR, M.D. : REFERRAL
: PROCEEDING
-----X

TO: ROBERT VIDOR, M.D.
837 Kearny Avenue
Kearny, New Jersey 07032

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of August, 1992 at 1:15 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to Larry Storch, Administrative Law Judge, New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, as well as the Department of Health attorney indicated below, on or before August 7, 1992 .

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with Judge Storch at the address indicated above on or before August 7, 1992 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State

Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Judge Storch at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.

YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York

June 23, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Marcia E. Kaplan
Associate Counsel
212 613-2615

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ROBERT VIDOR, M.D. : CHARGES
-----X

ROBERT VIDOR, M.D., the Respondent, was authorized to practice medicine in New York State on February 14, 1975 by the issuance of license number 122915 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. He was last registered to practice medicine for the period January 1, 1989 through December 31, 1990 from 837 Kearny Avenue, Kearny, N.J. 07032.

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY IN AN
ADJUDICATORY PROCEEDING OF
VIOLATING A FEDERAL STATUTE

1. Respondent is charged with professional misconduct within the meaning of New York Educ. Law Sec. 6530(9)(c)

(McKinney Supp. 1992), in that he has been found guilty in an adjudicatory proceeding of violating a federal statute or regulation pursuant to a final decision or determination, where no appeal is pending, and where the violation would constitute professional misconduct pursuant to Educ. Law 6530, specifically:

On October 29, 1987, the Administrator of the Drug Enforcement Administration issued a final Order revoking Respondent's DEA Certificates of Registration AV4675003 and AV2808422 based upon a finding that Respondent's continued registration was inconsistent with the public interest pursuant to 21 U.S.C. 823(f) and 824(a)(4) in that on three separate occasions in 1983 Respondent prescribed controlled substances to an undercover investigator which were not prescribed for a legitimate medical purpose, that Respondent prescribed controlled substances for an individual even after being told that the individual was a drug addict and was selling some of the drugs Respondent prescribed for him, and that Respondent freely prescribed controlled substances to methadone clinic clients without coordinating treatment with the clinic. The Administrator's final Order adopted the May 11, 1987 Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of an administrative law judge, after an administrative hearing. No appeal is pending.

The violation would constitute professional misconduct under New York Educ. Law Section 6530, (McKinney 1992), as follows: Sec. 6530(2), i.e., practicing fraudulently; Sec. 6530(3), i.e., practicing the profession with negligence on more than one occasion; and Sec. 6530(35), i.e., ordering excessive treatment not warranted by the condition of the patient.

SECOND SPECIFICATION

HAVING A MEDICAL LICENSE SUSPENDED
AFTER DISCIPLINARY ACTION WAS
INSTITUTED BY ANOTHER STATE

2. Respondent is charged with professional misconduct within the meaning of New York Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1992), in that he had his license to practice medicine suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

On February 21, 1991, the New Jersey State Board of Medical Examiners (N.J. Board) issued a Final Order which suspended Respondent's license to practice medicine in New Jersey for one year, with all but 30 days stayed, such active suspension to commence on March 1, 1991 and to end on March 30, 1991, and which ordered Respondent not to apply for or hold Federal D.E.A. or State C.D.S. privileges, nor to prescribe Controlled Dangerous Substances for a minimum of one year, at which time Respondent may apply to the N.J. Board for

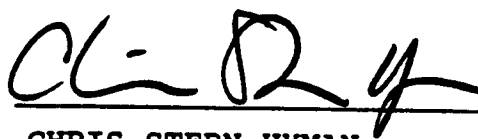
permission to apply for privileges to prescribe C.D.S. provided he demonstrates to the Board's satisfaction that he has been re-educated sufficiently regarding the prescription and abuse of C.D.S. and that he would prescribe safely. The Final Order resolved a pending disciplinary action against Respondent which was commenced by issuance of a complaint on June 17, 1987, charging Respondent with professional misconduct in violation of N.J.S.A. 45:1-21(e), indiscriminate prescribing or the prescribing not in good faith of controlled dangerous substances in violation of N.J.S.A. 45:1-13, gross malpractice in violation of N.J.S.A. 45:1-21(c), gross neglect in the practice of medicine in violation of N.J.S.A. 45:9-16(h) and repeated malpractice in violation of N.J.S.A. 45:1-21(c), based upon the findings of fact by the ALJ before the DEA, as alleged in the first specification above. In the Final Order, the parties agreed that this matter commenced on June 17, 1987 with the filing of a complaint by the Attorney General with the N.J. Board charging Respondent with prescribing Controlled Dangerous Substances in and indiscriminate manner, repeated or gross malpractice, gross neglect and professional misconduct based on Findings of Fact and Conclusions of Law of a Federal Administrative Law Judge who recommended revocation of Dr. Vidor's D.E.A. privileges to prescribe Controlled Dangerous Substances, that Respondent desired to resolve this matter without the necessity of further formal proceedings, because many of the allegations of the complaint occurred long ago, because Respondent has not prescribed C.D.S. since his D.E.A. privileges were revoked (following the recommendation of the Federal Administrative Law Judge), and has practiced psychiatry without incident since 1987 and for other good cause shown.

The conduct resulting in the suspension and other disciplinary action involving Respondent's New Jersey medical license, if

committed in New York State, would have constituted professional misconduct under New York Educ. Law Section 6530, (McKinney 1992), as follows: Sec. 6530(4), i.e. practicing the profession with gross negligence on a particular occasion; and Sec. 6530(3), i.e. practicing the profession with negligence on more than one occasion.

DATED: New York, New York

June 23, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

APPENDIX II

APPENDIX II
TERMS OF PROBATION

1. Dr. Vidor shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.

2. Dr. Vidor shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.

3. Dr. Vidor shall submit prompt written notification to the Board addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237, regarding any change in employment, practice, residence or telephone number, within or without New York State.

4. In the event that Dr. Vidor leaves New York to reside or practice outside the State, Dr. Vidor shall notify the Director of the Office of Professional Medical Conduct in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure and return. Periods of residency or practice outside New York shall toll the probationary period, which shall be extended by the length of residency or practice outside New York.

5. Dr. Vidor shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct during the period of probation. During these quarterly meetings Dr. Vidor's professional performance may be reviewed by having a random selection of office records, patient records and hospital charts reviewed.

6. Dr. Vidor shall maintain a legible written record of all controlled substances

which he prescribes, dispenses or administers. This record shall indicate the name of the patient, the drug prescribed, dispensed or administered, including the amount, strength and directions for use and the date on which the controlled substance was prescribed, dispensed or administered. This written record shall be distinct from, and in addition to, Dr. Vidor's medical records for his patients.

7. Dr. Vidor shall have quarterly meetings with a monitoring physician who shall review Dr. Vidor's practice. The monitoring physician shall be a board-certified or board-eligible psychiatrist, selected by Dr. Vidor and subject to the approval of the Office of Professional Medical Conduct. This monitoring physician shall review randomly selected medical records and evaluate whether Dr. Vidor's medical care comports with generally accepted standards of medical practice, with an emphasis on Dr. Vidor's use of controlled substances. Dr. Vidor shall not practice medicine in New York State until an acceptable monitoring physician is approved by the Office of Professional Medical Conduct.

8. Dr. Vidor shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all terms of probation and, if not, the specifics of such non-compliance. These shall be sent to the Director of the Office of Professional Medical Conduct at the address indicated above.

9. Dr. Vidor shall submit written proof to the Director of the Office of Professional Medical Conduct at the address indicated above that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department. If Dr. Vidor elects not to practice medicine in New York State, then he

shall submit written proof that he has notified the New York State Education Department of that fact.

10. If there is full compliance with every term set forth herein, Dr. Vidor may practice as a physician in New York State in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance or any other violation of the terms of probation, a violation of probation proceeding and/or such other proceedings as may be warranted, may be initiated against Dr. Vidor pursuant to New York Public Health Law Section 230(19) or any other applicable laws.