

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

January 26, 1990

Mesghena Woldeyohannes, Physician
310 E. 44 Street, Apt. 1214
New York, N.Y. 10017

Re: License No. 146856

Dear Dr. Woldeyohannes:

Enclosed please find Commissioner's Order No. 9998. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: James Stern, Esq.
Schiavetti, DeVito, Begos & Nicholson
1633 Broadway
New York, N.Y. 10019

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**REPORT OF THE
REGENTS REVIEW COMMITTEE**

MESGHENA WOLDEYOHANNES

CALENDAR NO. 9998



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

MESGHENA WOLDEYOHANNES

No. 9998

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

MESGHENA WOLDEYOHANNES, hereinafter referred to as respondent, was licensed to practice as a physician in the State of New York by the New York State Education Department.

The instant disciplinary proceeding was properly commenced and on August 29, 1988, October 25, 1988, December 13, 1988 and January 19, 1989 a hearing was held before a hearing committee of the State Board for Professional Medical Conduct. A copy of the statement of charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

The hearing committee rendered a report of its findings, conclusions, and recommendation, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "B".

The hearing committee concluded that respondent was guilty of the first, second, third, fifth, sixth, seventh, and eighth

MESGHENA WOLDEYOHANNES (9998)

specifications of the charges and not guilty of the fourth and ninth specifications of the charges, and recommended that respondent's license to practice as a physician in the State of New York be revoked.

The Commissioner of Health recommended to the Board of Regents that the findings, conclusions, and recommendation of the hearing committee be accepted. A copy of the recommendation of the Commissioner of Health is annexed hereto, made a part hereof, and marked as Exhibit "C".

On October 17, 1989 respondent appeared before us in person and was represented by his attorney, James K. Stern, Esq., who presented oral argument on behalf of respondent. Roy Nemerson, Esq., presented oral argument on behalf of the Department of Health.

The recommendation of petitioner (Department of Health) as to the measure of discipline to be imposed, should respondent be found guilty, was the same as that of the Commissioner of Health.

Respondent's recommendation as to the measure of discipline to be imposed, should respondent be found guilty, was that there be mandated public service in an area (geographic) that needs health care, by respondent, and that there be supervision of the respondent by another physician to review respondent's care and treatment rendered to patients.

We have considered the record as transferred by the Commissioner of Health in this matter.

MESGHENA WOLDEYOHANNES (9998)

We unanimously recommend the following to the Board of Regents:

1. The findings, conclusions, and recommendation of the hearing committee be accepted;
2. The Commissioner of Health's recommendation as to the findings, conclusions, and recommendation of the hearing committee be accepted;
3. Respondent be found guilty, by a preponderance of the evidence, of the first, second, third, fifth, sixth, seventh, and eighth specifications of the charges, and not guilty of the fourth and ninth specifications of the charges; and
4. Respondent's license to practice as a physician in the State of New York be revoked upon each specification of the charges of which respondent was found guilty. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein; but said application shall not be granted automatically.

Respectfully submitted,

ADELAIDE L. SANFORD

SIMON J. LIEBOWITZ

JOHN T. MCKENNAN


Chairperson

Dated: November 16, 1989

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

*****X
: IN THE MATTER : STATEMENT
: OF : OF
: MESGHENA WOLDEYOHANNES, M.D. : CHARGES
*****X

MESGHENA WOLDEYOHANNES, M.D., the Respondent, was authorized to practice medicine in New York State on July 10, 1981 by the issuance of license number 146856 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, 1986 through December 31, 1988 at Apt. 1214, 310 East 44th Street, New York, N.Y. 10017.

FACTUAL ALLEGATIONS

- A. On or about June 15, 1987, an individual posing as Ernest Bell, a patient, visited Respondent's medical office. (Patient Bell was actually an undercover police officer who is identified in Appendix A.)
1. Respondent failed to obtain appropriate clinical information from the patient, including history and complaint.
 2. Respondent knowingly failed to perform a physical examination of the patient.
 3. Respondent knowingly prescribed drugs including Valium, Elavil, Tagamet, Motrin and Ampicillin to the patient without medical purpose.

- B. On or about July 16, 1987, Patient Bell returned to Respondent's office.
1. Respondent failed to obtain appropriate clinical information, including history and complaint, from the patient.
 2. Respondent failed to perform a physical examination of the patient.
 3. Respondent knowingly prescribed drugs including Valium, Elavil, Catapres, Motrin, Tagamet and Ampicillin to the patient, without medical purpose.
- C. On or about August 13, 1987, Patient Bell returned to Respondent's office.
1. Respondent failed to obtain appropriate clinical information from the patient, including history and complaint.
 2. Respondent failed to perform an adequate physical examination of the patient to support the treatment rendered.
 3. Respondent knowingly prescribed drugs, including Valium, Elavil, Tagamet, Catapres, Motrin and Ampicillin to the patient, without medical purpose.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges:

1. The facts in paragraphs A, A.1-3.
2. The facts in paragraphs B, B.1-3.
3. The facts in paragraphs C, C.1-3.

FOURTH SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE
OR GROSS INCOMPETENCE

The Respondent is charged with practicing the profession with gross negligence and/or gross incompetence within the meaning of N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges:

4. The facts in Paragraph A, A.1-3, B, B.1-3, C, and C.1-3.

FIFTH SPECIFICATION

PRACTICING WITH NEGLIGENCE OR INCOMPETENCE
ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence and/or incompetence on more than one occasion within the meaning of N.Y. Educ Law 6509(2) (McKinney 1985), in that Petitioner charges:

5. The facts in paragraph A, A.1-3, B, B.1-3, C, and C.1-3.

SIXTH THROUGH EIGHTH SPECIFICATIONS

COMMITTING UNPROFESSIONAL CONDUCT
AS DEFINED BY THE REGENTS
ORDERING OF EXCESSIVE TREATMENT

Respondent is charged with committing unprofessional conduct within the meaning of N.Y. Educ. Law §6509(9) (McKinney 1985), as defined by the Board of Regents in N.Y. Admin. Code tit. 8, §29.2(a) (7) (1987), by ordering excessive treatment not warranted by the condition of the patient, in that Petitioner charges:

6. The facts in Paragraphs A, A.1-3.
7. The facts in Paragraphs B, B.1-3.
8. The facts in Paragraphs C, C.1-3.

NINTH SPECIFICATION

FAILING TO MAINTAIN A RECORD

The Respondent is charged with committing unprofessional conduct, within the meaning of N.Y. Educ. Law §6509(9) (McKinney 1985), as defined by the Board of Regents in N.Y. Admin. Code tit. 8, §29.2(a)(3) (1987), by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

9. Respondent's records regarding Patient Bell fail to accurately reflect the facts in paragraphs A, A.1-3, B, B.1-3, C, and C.1-3.

Dated: New York, New York

June 1, 1988



CHRIS STERN HYMAN
Counsel
Office of Professional
Medical Conduct

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

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IN THE MATTER :
OF : REPORT OF
MESGHENA WOLDEYOHANNES, M.D. : HEARING
: COMMITTEE

-----X

TO: Honorable David Axelrod, M.D.
Commissioner of Health, State of New York

The present Hearing Committee consisting of J. La Rue Wiley, Jr., M.D. (Chairperson), Mr. Harold Brandt and Rufus A. Nichols, M.D. was duly designated, constituted and appointed by the State Board for Professional Medical Conduct (Petitioner) following the recusal of the original Hearing Committee. The Honorable Vincent M. Mc Connell served as the Administrative Law Judge of the present Hearing Committee (Committee). Mesghena Woldeyohannes, M.D. (Respondent) appeared with counsel before the Committee.

The hearing was conducted pursuant to the provisions of the Public Health Law, Section 230 and Article 3 of the State Administrative Procedure Act to receive evidence concerning the charges that Respondent had violated provisions of the New York Education Law Section 6509. The testimony of one witness was taken under oath. A stenographic record of the hearing was made.

The Committee has considered the record to date in the above captioned matter and makes this Report of its Findings of Fact, and Conclusions and Recommendation.

The original Hearing Committee consisting of Mr. Matthew Cammen, Chairperson, W. Graham Knox, M.D. and Thomas J. Sinatra, M.D. had been duly designated constituted and appointed by the State Board for Professional Medical Conduct. The Honorable Debra L. Smith served as Administrative Law Judge for the original Hearing Committee. On August 29, 1988, a request was made by the attorney for Respondent that the original Hearing Committee recuse themselves, and following an Executive Session, all three members of the original Hearing Committee voted to withdraw from the hearing.

RECORD OF PROCEEDINGS

Date of Notice of Hearing and Statement of Charges:	June 1, 1988
Date of Service of Notice of Hearing and Statement of Charges:	June 21, 1988
Dates on which original Hearing Committee was scheduled to meet:	July 11, 1988 July 12, 1988 July 19, 1988
Date on which original Hearing Committee actually met:	August 29, 1988

Dates of hearings of present committee on case in chief:	October 25, 1988 December 13, 1988
Date of deliberations of present committee on findings and conclusions:	December 22, 1988
Date of hearing of present Committee on recommendations:	January 19, 1989
Date of deliberations of present committee on recommendations:	January 19, 1989
Place of hearings:	8 East 40th Street New York, N.Y. 10016
Petitioner appeared by:	Roy Nemerson, Esq. Associate Counsel Office of Professional Medical Conduct Peter J. Millock, Esq. General Counsel 8 East 40th Street New York N.Y. 10016
Respondent appeared by:	Schiavetti Begos & Nicholson, Esqs. James K. Stern, Esq. of Counsel 1633 Broadway New York, N.Y. 10019

SUMMARY OF PROCEEDINGS

Respondent is charged with professional misconduct under N.Y.S. Education Law Section 6509(2) as set forth in the Statement of charges received in evidence at the hearing as Petitioner's Exhibit 1. The alleged misconduct arises from three visits made to Respondent's office on June 15, July 16 and

August 13, 1987 by an undercover detective of the N.Y.C. Police Department posing as a patient during each of which it is alleged that Respondent (a) failed to obtain appropriate clinical information from the patient, including history and complaint; (b) failed to perform a physical examination of the patient; (c) knowingly prescribed drugs including Valium, Elavil, Tagamet Motrin and Ampicillin to the patient, without medical purpose. As a result Respondent is charged with practicing the profession fraudulently, with gross negligence and/or gross incompetence, and with negligence and/or incompetence, all under N.Y. Education Law Section 6509(2); and also by ordering excessive treatment not warranted by the condition of the patient, and by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient under N.Y. Education Law Section 6509(9).

Petitioner called one witness, Detective [REDACTED] of the New York City Police Department.

Respondent called no witnesses and did not testify in his own behalf.

At a pre-hearing conference on October 24, 1988, the Administrative Law Judge Vincent M. Mc Connell ruled that the record of Respondent's prior criminal conviction for violating Section 3304 of the Public Health Law involving controlled

substances as well as the subsequent finding of professional misconduct by the State Board of Regents pursuant to a direct referral procedure from the criminal conviction were both admissible before the Hearing Committee, but only on the penalty or sanctions aspect of the hearing if Respondent were found to have committed professional misconduct. Accordingly, the Administrative Law Judge ruled at the request of counsel for Respondent and upon the consent of Petitioner's counsel that there would be a bi-furcated hearing: the first part would deal with the case in chief following which findings and conclusions would be rendered; then, following deliberations and following the preparation of findings and conclusions by the Hearing Committee, there would be a further hearing with evidence taken as to recommendations, if Respondent were found to have committed professional misconduct. Finally, the Hearing Committee would deliberate again and make its recommendations as to penalty or sanctions.

FINDINGS OF FACT

Unless specifically noted, all Findings of Fact were sustained by unanimous vote of the Hearing Committee.

1. Respondent is a physician who was duly licensed to practice medicine in the State of New York on July 10, 1981 by issuance of license number 146856 by the New York State Education Department; Respondent is currently registered with the New York

State Education Department to practice medicine for the period January 1, 1986 through December 31, 1988 at Apt. 1214, 310 East 44 Street, New York, N.Y. 10017 (Petitioner's Exhibit 1).

2. On June 15, 1987, during the visit of undercover police officer [REDACTED] posing as patient Ernest Bell to Respondent's medical office at 113 West 128 Street, New York, N.Y., Respondent failed to obtain appropriate clinical information from patient Ernest Bell, including history and complaints. (Tr. p. 78, lines 23-25 through p. 87, line 17; p. 135, lines 2-6 and 17-21).

The vote of sustain this Finding was 2-1.

3. On June 15, 1987, during the aforesaid visit Respondent knowingly failed to perform a physical examination of patient Ernest Bell. (Tr. p. 78, lines 19-25; p. 79, line 25 through p. 80, line 2; p. 82, lines 3-9; p. 135, lines 22-25; p. 136, lines 2-7).

4. On June 15, 1987, during the aforesaid visit, Respondent knowingly prescribed drugs, including Valium, Elavil, Tagamet, Motrin, and Ampicillin to patient Ernest Bell without medical purpose. (Pet. Exhibit 3; Tr., p. 82, lines 18-22, p. 85, line 22; p. 86 lines 2-3).

5. On July 16, 1987, when patient Ernest Bell next returned to Respondent's office, Respondent failed to obtain appropriate clinical information, including history and complaint from him, (Pet. Ex. 8; Tr. p. 97, lines 5-6; p. 101, lines 4-6 and 18-22; p. 102, lines 2-4; p. 135, lines 14-21).

6. On June 16, 1987, during the aforesaid visit, Respondent failed to perform a physical examination of the patient (Pet. Ex. 8; Tr., p. 101, lines 7-12; p. 135, lines 22-35; p. 136, lines 2-7).

7. On July 16, 1987, during the aforesaid visit, Respondent knowingly prescribed drugs including Valium, Elavil, Catapres, Motrin, Tagamet and Ampicillin to the patient without medical purpose (Pet. Ex. 3; Tr., p. 100, lines 9-11).

8. On August 13, 1987, when patient Ernest Bell returned to Respondent's office Respondent failed to obtain appropriate clinical information from him, including history and complaint (Tr. p. 104, lines 17-25; p. 105, lines 2-13; p. 135, lines 14-21).

9. On August 13, 1987, during the aforesaid visit, Respondent failed to perform an adequate physical examination of patient Ernest Bell to support the treatment (Tr. p. 105, lines 14-20; p. 135, lines 22-25; p. 136, lines 2-7).

10. On August 13, 1987, during the aforesaid visit, Respondent knowingly prescribed drugs, including Valium, Elavil, Tagamet, Catapres, Motrin and Ampicillin to patient Ernest Bell without medical purpose. (Pet. Ex. 3; Tr. p. 106, lines 23-25; p. 107, lines 2-6).

11. On June 15, 1987, on July 16, 1987 and on August 13, 1987, Respondent did maintain records including prescriptions which reflected his treatment of patient Ernest Bell (Pet. Ex. 3; Tr. p. 78-79, lines 22-25, 2-3, p. 125, lines 20-22).

The vote to sustain this Finding was 2-1.

12. On August 13, 1987, during the final visit of patient Ernest Bell to Respondent's office, the witness testified that Respondent stated to him: "I'm not doing anything wrong. Can I trust you?" and further testified: "he just kept asking me, you know, could he trust me" which reflected a consciousness of the questionable legality of his conduct (Tr. p. 105, lines 5-9).

13. On November 18, 1986, during a prior visit by patient Ernest Bell to Respondent's office, a written prescription was prepared (Resp. Ex. A) and a record was made of certain tests (Tr. p. 122, lines 7-19), which were later referred to by Respondent on June 15, 1987 (Tr. p. 78-79, lines 22-25, 2-3) on August 13, 1987 (Tr. p. 125, lines 20-22).

14. On October 31, 1984, Respondent entered a plea of guilty to a charge of writing a prescription for a controlled substance and transferring said prescription in a manner that violated the Public Health Law, Sec. 3304 in the City Court of Yonkers, County of Westchester, New York and acknowledged in open court that his plea of guilty might result in the loss of his license to practice medicine in the State of New York; Respondent's plea of guilty was duly accepted by the Court as having been made knowingly and voluntarily, and Respondent was duly found guilty of a misdemeanor crime (Pet. Ex.'s 10 and 11).

15. On November 23, 1987 in Duplicate original order No. 7344, the Commissioner of Education of the State of New York, following the report of the Regents Review Committee under Calendar No. 7344 and the vote of the Board of Regents on October 23, 1987, suspended Respondent's license and registration to practice medicine in the State of New York for two years, and stayed the execution of the last said suspension, at which time Respondent was to be placed on probation for eighteen months (Pet. Ex. 10).

CONCLUSIONS

All Conclusions were reached by unanimous vote of Hearing Committee with the single exception noted under the Specification.

First Specification

16. On June 15, 1987, at 113 West 128 Street, New York, N.Y. during the visit of patient Ernest Bell, Respondent practiced the profession fraudulently within the meaning of New York Education Law Section 6509(2), in that Respondent knowingly prescribed drugs, including Valium, Elavil, Tagamet, Motrin and Ampicillin to patient Ernest Bell without medical purpose (Findings of Fact 1 and 4).

Second Specification

17. On July 16, 1987, at 113 West 128 Street, New York, N.Y., during the visit of patient Ernest Bell, Respondent practiced the profession fraudulently within the meaning of New York Education Law Section 6509(2) in that Respondent knowingly prescribed drugs including Valium, Elavil, Tagamet, Motrin and Ampicillin to Ernest Bell without medical purpose (Findings of Fact 1 and 7).

Third Specification

18. On August 13, 1987, at 113 West 128 Street, New York, N.Y. during the visit of patient Ernest Bell, Respondent practiced the profession fraudulently within the meaning of New York Education Law Section 6509(2) in that Respondent knowingly prescribed drugs, including Valium, Elavil, Tagamet, Catapres, Motrin and Ampicillin to patient Ernest Bell without medical purpose (Findings of Fact 1 and 10).

Fourth Specification

19. The findings of fact heretofore made by the Hearing Committee do not support a conclusion that Respondent on any of the occasions charged in the Statement of Charges practiced the profession with gross negligence or gross incompetence within the meaning of New York Education Law Section 6509(2) (Findings of Fact 1 through 10).

Fifth Specification

20. On June 15, 1987, on July 16, 1987, and on August 13, 1987, Respondent practiced the profession with negligence and incompetence on more than one occasion within the meaning of New York Education Law Section 6509(2) in that Respondent knowingly prescribed drugs Valium, Elavil, Tagamet, Motrin and Ampicillin

without medical purpose, and particularly by prescribing both Tagamet (cimetidine) and Motrin (ibuprofen) to patient Ernest Bell at the same time (Findings of Fact 1, 4, 7 and 10).

Sixth Through Eighth Specification

21. On June 15, 1987, on July 16, 1987, and on August 13, 1987, Respondent committed unprofessional conduct within the meaning of New York Education Law Section 6509(9) as defined by the Board of Regents in N.Y. Administrative Code, title 8, Section 29.2(a)(7) (1987) by ordering excessive treatment not warranted by the condition of patient Ernest Bell, in that Respondent knowingly prescribed drugs Valium, Elavil, Tagamet, Motrin and Ampicillin to patient Ernest Bell without medical purpose (Findings of Fact 1, 4, 7 and 10).

Ninth Specification

22. The findings of fact made heretofore made by the Hearing Committee do not support a conclusion that Respondent on any of the occasions charged in the Statement of Charges committed unprofessional conduct within the meaning of New York Education Law Section 6509(9) as defined by the Board of Regents in N.Y. Administrative Code, title 8, Section 29.2(a)(3)(1987) by failing to maintain a record for patient Ernest Bell which reflects the

evaluation and treatment of patient Ernest Bell (Findings of Fact 11 and 13).

The vote to not sustain this Specification was 2-1.

23. On June 15, 1987, July 16, 1987 and August 13, 1987, when Respondent committed the violations of New York Education Law Sec. 6509(2) and 6509(9) set out in Specifications 1 through 3, 5, 6 through 8, he had already appeared before the Regents Review Committee on May 6, 1987 with counsel in response to charges generated by his plea of guilty and his conviction of a misdemeanor crime in the City Court of Yonkers, Westchester County, New York on October 31, 1984, and Respondent was fully cognizant of the fact that the same Regents Review Committee had the power to recommend to the Board of Regents that his license to practice as a physician in the State of New York be suspended or revoked (Findings of Fact 14 and 15).

24. Considering that the violations of laws committed by Respondent on June 15, 1987, July 16, 1987 and August 13, 1987, as previously found by the Committee, occurred at a time when Respondent had already pleaded guilty and been found guilty of a misdemeanor crime in violation of Article 33 of the Public Health Law, and at a time when Respondent had already appeared before the Regents Review Committee on May 6, 1987 with counsel in answer to charges that could have led to the revocation of his license to practice medicine in the State of New York, the committee

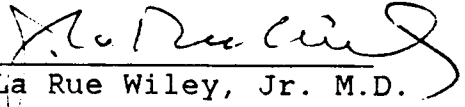
determines that Respondent's actions as found herein were knowing, intentional and deliberate violations of law committed at a time when he was on undeniable notice that his license to practice medicine was already in jeopardy (Findings of Fact 1 through 10, 12, 14 and 15).

RECOMMENDATION

25. The Committee unanimously recommends that the license to practice medicine in the State of New York of Mesghena Woldeyohannes, M.D. be revoked.

DATED: New York, N.Y.
March 30, 1989

Respectfully submitted



J. La Rue Wiley, Jr. M.D.
Chairman
Harold Brandt
Rufus A. Nichols, M.D.

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

IN THE MATTER :
OF : COMMISSIONER'S
MESGHENA WOLDEYOHANNES, M.D. : RECOMMENDATION

TO: Board of Regents
New York State Education Department
State Education Building
Albany, New York

A hearing in the above-entitled proceeding was held on October 25 and December 13, 1988. Respondent, Mesghena Woldeyohannes, M.D., appeared by Schiavetti, Begos & Nicholson, Esqs., James K. Stern, Esq., of Counsel. The evidence in support of the charges against the Respondent was presented by Roy Nemerson, Esq.

NOW, on reading and filing the transcript of the hearing, the exhibits and other evidence, and the findings, conclusions and recommendation of the Committee,


I hereby make the following recommendation to the Board of Regents:

- A. The Findings of Fact and Conclusions of the Committee should be accepted in full;
- B. The Recommendation of the Committee should be accepted in full; and

C. The Board of Regents should issue an order adopting and incorporating the Findings of Fact and Conclusions and further adopting as its determination the Recommendation described above.

The entire record of the within proceeding is transmitted with this Recommendation.

Dated: Albany, New York
May 5 1989


DAVID AXELROD, M.D.
Commissioner of Health
State of New York

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

MESGHENA WOLDEYOHANNES

CALENDAR NO. 9998



The University of the State of New York

IN THE MATTER

OF

MESGHENA WOLDEYOHANNES
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 9998**

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 9998, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (December 15, 1989): That, in the matter of MESGHENA WOLDEYOHANNES, respondent, the recommendation of the Regents Review Committee be accepted as follows:

1. The findings, conclusions, and recommendation of the hearing committee be accepted;
2. The Commissioner of Health's recommendation as to the findings, conclusions, and recommendation of the hearing committee be accepted;
3. Respondent is guilty, by a preponderance of the evidence, of the first, second, third, fifth, sixth, seventh, and eighth specifications of the charges, and not guilty of the fourth and ninth specifications of the charges; and
4. Respondent's license to practice as a physician in the State of New York be revoked upon each specification of the charges of which respondent was found guilty. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective

MESGHENA WOLDEYOHANNES (9998)

date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically;

and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 8th day of

January, 1990.

Thomas Sobol

Commissioner of Education