



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

September 7, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Samuel D. Yanofsky, M.D.
117 Elmwood Terrace
Rochester, New York 14620

RE: License No. 193755
Effective Date: 9/14/94

Dear Dr. Yanofsky:

Enclosed please find Order #BPMC 94-178 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 12237-0756

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
SAMUEL D. YANOFSKY, M.D. : BPMC 94-178

-----X

Upon the application of SAMUEL D. YANOFSKY, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application 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 Respondent, upon receipt
by Respondent of this order via certified mail, or seven days
after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 16 August 1994

Charles J. Vacanti

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 : APPLICATION
OF : FOR
SAMUEL D. YANOFSKY, M.D. : CONSENT
: ORDER
-----X

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss.:

SAMUEL D. YANOFSKY, M.D., being duly sworn, deposes and says:

That on or about September 25, 1993, I was licensed to practice as a physician in the State of New York, having been issued License No. 193755 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994.

I understand that the New York State Board for Professional Medical Conduct has charged me with Two Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification in full satisfaction of the charges against me.

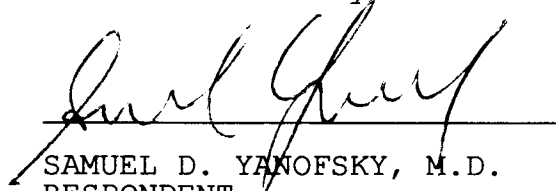
I hereby agree to the penalty that my license be suspended for 18 months with the final 16 months of said suspension stayed and that I be placed on probation for 18 months under the terms attached hereto, made part hereof and marked as Exhibit "B". The period of probation and period of suspension shall run concurrently and shall commence upon service of an order accepting this application.

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

I understand that, in the event that this application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


SAMUEL D. YANOFSKY, M.D.
RESPONDENT

Sworn to before me this

3 day of August, 1994.

Anthony Bagnano
NOTARY PUBLIC

my Commission expires 3/31/98

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
SAMUEL D. YANOFSKY, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

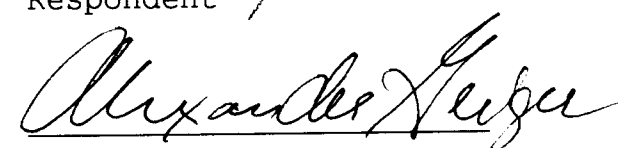
DATE:

8/3/94


SAMUEL D. YANOFSKY, M.D.
Respondent

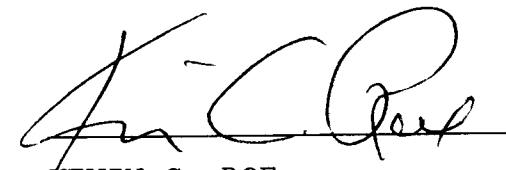
DATE:

8/4/94


ALEXANDER GEIGER, ESQ.
Attorney for Respondent

DATE:

8/8/94


KEVIN C. ROE
Associate COUNSEL
Bureau of Professional
Medical Conduct

DATE:

September 6 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR

Office of Professional Medical
Conduct

DATE:

16 August 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON

State Board for Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. SAMUEL D. YANOFSKY, M.D., the Respondent, 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. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York.
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent 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 Respondent 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.
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or 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.
5. Respondent shall, upon reasonable notice, meet with an employee of the Office of Professional Medical Conduct, New York State Department of Health, on a tri-yearly basis to discuss compliance with his terms of probation. Respondent, upon request, shall provide documentation from his residency program regarding his performance.
6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

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

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IN THE MATTER : STATEMENT
OF : OF
SAMUEL D. YANOFSKY, M.D. : CHARGES

-----X

SAMUEL D. YANOFSKY, M.D., the Respondent, was authorized to practice medicine in New York State on September 25, 1993, by the issuance of license number 193755 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, 1993 through December 31, 1994.

FACTUAL ALLEGATIONS

A. From on or about March 1993 to on or about November 1993, Respondent engaged in a personal relationship with Person A (Person A is identified in the attached appendix). Respondent failed to meet acceptable standards of medical conduct, in that:

1. Respondent prescribed Tamoxifen to Person A without adequate medical justification.
2. Respondent prescribed Dyazide to Person A without adequate medical justification.
3. Respondent prescribed syringes to Person A without adequate medical justification.

SPECIFICATIONS

FIRST SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A.1, A.2, and/or A.3.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

2. The facts in Paragraphs A and A.1, A.2, and/or A.3.

DATED: , 1994
Albany, New York

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