



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863*

Dennis P. Whalen  
*Executive Deputy Commissioner of Health*  
Anne F. Saile, Director  
*Office of Professional Medical Conduct*  
William J. Comiskey, Chief Counsel  
*Bureau of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*  
Denise M. Bolan, R.P.A.  
*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

July 14, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jeffrey Scott Yager, M.D.  
130 Fort Washington Avenue  
New York, NY 10032

RE: License No. 195543

Dear Dr. Yager:

Enclosed please find Order #BPMC 99-170 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 14, 1999.**

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  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 1315  
Empire State Plaza  
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Richard Godosky, Esq.  
Godosky & Gentile, P.C.  
61 Broadway 20th Floor  
New York, NY 10016

Paul Stein, Esq.

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

**IN THE MATTER  
OF  
JEFFREY SCOTT YAGER, M.D.**

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #99-170

STATE OF NEW YORK )

SS.:

COUNTY OF NEW YORK)

JEFFREY SCOTT YAGER, M.D., (Respondent) being duly sworn,  
deposes and says:

That on or about May 3, 1994, I was licensed to practice as  
a physician in the State of New York, having been issued License  
No. 195543 by the New York State Education Department.

My current address is 130 Fort Washington Avenue, New York,  
NY 10032, and I will advise the Director of the Office of  
Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional  
Medical Conduct has charged me with 36 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 the truth of factual allegation E1, and I admit  
guilt to Specifications 27, 28, 29, 30, 31, 32, 33, 34, 35, and  
36, all of which occurred during the period of my residency, in  
full satisfaction of the charges against me. I hereby agree to  
the following penalty:

1. A six month stayed suspension;

2. 300 hours of community service, to be performed within two months of the date of issuance of the below order, in a setting that benefits the poor or needy, and for which neither Respondent nor any organization or person under whose auspices he performs the community service is remunerated for Respondent's services, subject to the prior written approval of the Director of the Office of Professional Medical Conduct;
3. A \$25,000 fine payable to the New York State Department of Health, half of which is to be paid within one year of the date of issuance of the below order, and the other half of which is to be paid within two years of the date of issuance of the below order.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will

continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29) (McKinney Supp. 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.


I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent

Order for which I hereby apply, whether administratively or  
judicially, and ask that the Application be granted.

DATED 6/28/99

  
JEFFREY SCOTT YAGER, M.D.  
Respondent


Sworn to before me  
this 28th day of June, 1999

  
NOTARY PUBLIC


**CAROLYN J. THURSTON**  
Notary Public, State of New York  
No. 01TH6012841  
Qualified in Kings County  
Commission Expires Sept 8, 2000

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


DATE: 25/99

  
RICHARD GODOSKY, ESQ.  
Attorney for Respondent

DATE: 6-30-99

  
PAUL STEIN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: July 6, 1999

  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct.



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

**IN THE MATTER  
OF  
JEFFREY SCOTT YAGER, M.D.**

CONSENT  
ORDER


Upon the proposed agreement of JEFFREY SCOTT YAGER, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by  
the Board, which may be accomplished by mailing, by first class  
mail, a copy of the Consent Order to Respondent at the address  
set forth in this agreement or to Respondent's attorney by  
certified mail, or upon transmission via facsimile to Respondent  
or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/8/99

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

**IN THE MATTER  
OF  
JEFFREY SCOTT YAGER, M.D.**

STATEMENT  
OF  
CHARGES

JEFFREY SCOTT YAGER, M.D., the Respondent, was authorized to practice medicine in New York State on May 3, 1994 by the issuance of license number 195543 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, at all times described below a plastic surgery resident at Presbyterian Hospital unless stated otherwise, provided care and treatment to Patients CC, DD, EE, FF, GG, HH, II, JJ, KK, and LL (all patients are identified in Appendix A), as specified below in paragraphs C through L. The allegations set forth in paragraphs A-1 and A-2 each apply individually to Patients CC through LL (unless specifically excepted).

1. Respondent, with intent to deceive, concealed from his employer Presbyterian Hospital that he solicited and received a fee from the patient, knowing that he did not have the necessary permission for outside employment, and knowing that as a resident physician he was not allowed to collect fees from patients. (Does not apply to Patient KK.)
2. Respondent failed to keep and maintain for the statutory six-year period an adequate record for the patient,

including, but not limited to, failing to keep and maintain an appropriate preoperative record, operative record, postoperative record, and surgical consent record for the patient.

- B.
1. Respondent, in or about the fall of 1997, with intent to deceive, told investigators for Presbyterian Hospital that he had never taken a surgical fee for performing plastic surgery on patients in private doctors' offices in the Atchley Pavilion, when he knew that this statement was false and misleading.
  2. Respondent, on or about October 20, 1997, with intent to deceive, told Office of Professional Medical Conduct investigators that, while a plastic surgery resident, the fees he accepted from cosmetic surgery patients that he operated on in private doctors' offices in the Atchley Pavilion were in cash with no receipts given out, when he knew that this statement was partially false and misleading.
  3. Respondent, on or about October 20, 1997, with intent to deceive, told Office of Professional Medical Conduct investigators that, while a plastic surgery resident, he received up to \$700 in cash from cosmetic surgery patients that he operated on in private doctors' offices in the Atchley Pavilion, when he knew that this statement was false and misleading.

C. On or about April 8, 1997, Respondent performed abdominal liposuction surgery on Patient CC, a 22 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Previously, in approximately January 1997, plastic surgery resident James Andrew Brady, M.D. had met Patient CC at the same location for a preoperative consultation and had told her to bring \$700 in cash on the day of the surgery, which he intended to perform. On the day of the surgery, Dr. Brady told Patient CC that he had some other surgery to perform, so Respondent would perform the abdominal liposuction surgery on her. On or about the date of the surgery, Respondent received from Patient CC \$700 in cash, prior to the start of the procedure, as a fee for his services. Subsequently, on or about April 14, 1997, Respondent and associate attending plastic surgeon Ted Chaglassian, M.D. saw Patient CC at the same location for postoperative follow-up.

1. Respondent administered the controlled substance Valium to Patient CC preoperatively without keeping a proper record.

D. On a Sunday, in or about August, 1996, Respondent performed blepharoplasty surgery on Patient DD, a 36 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion,

Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Another physician was present during the surgery. Patient DD had previously met Respondent at the Presbyterian Hospital plastic surgery clinic. Previously, approximately one week before the surgery, Respondent had seen Patient DD for a preoperative consultation at the same location. On or about the date of the surgery, Respondent solicited and received from Patient DD \$250 in cash, as a fee for his services.

1. Respondent administered the controlled substance Valium to Patient DD preoperatively without keeping a proper record.

E. On or about January 7, 1997, Respondent performed abdominal liposuction surgery on Patient EE, an approximately 29 year old male, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. No other physicians or other health care personnel were present in the office during the procedure. Respondent introduced Patient EE to plastic surgery resident James Andrew Brady, M.D. before the surgery, but Dr. Brady was not present for the surgery. Previously, approximately one week before the surgery, Respondent had seen Patient EE for a preoperative consult at the same location. On or about the date of the surgery, Respondent solicited and received from Patient EE a \$500 check

made out to cash, as a fee for his services. Respondent deposited the check into his personal checking account.

1. Respondent performed surgery on Patient EE without appropriate monitoring of the patient's condition.
2. Respondent administered the controlled substance Valium to Patient EE preoperatively without keeping a proper record.

F. On a Saturday morning, in or about June 1996, Respondent performed abdominal liposuction surgery on Patient FF, a 44 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady, M.D. assisted in the surgery. For three months following the surgery, Respondent and plastic surgery resident James Andrew Brady, M.D. saw Patient FF for follow-up in a series of visits to the CPMC Plastic Surgery Clinic. On or about the date of the surgery, Respondent solicited and received from Patient FF \$1500 in cash, as a fee for their services. Following his graduation from the plastic surgery residency program, on August 10, 1997 Respondent performed a "tummy tuck" procedure on Patient FF in his private offices at 130 Fort Washington Avenue, New York, New York. James Andrew Brady, M.D. was present for this surgery on Patient FF in Respondent's private office, but did not assist.

1. At the first surgery, Respondent administered the controlled substance Valium by mouth to Patient FF preoperatively without keeping a proper record.
- G. In or about October through December 1996, Respondent performed facelift surgery on Patient GG, a 60 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady assisted in the surgery. On or about the date of the surgery, Respondent solicited and received from Patient GG \$1500 in cash, as a fee for their services. Approximately a few days to a week before the surgery, plastic surgery resident James Andrew Brady saw Patient GG for a preoperative consultation.
1. Respondent administered the controlled substance Valium by mouth to Patient GG preoperatively without keeping a proper record.
- H. On or about January 30, 1997, Respondent performed eyebrow surgery on Patient HH, a 66 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady, M.D. assisted Respondent with the surgery, and a

male anesthetist was also present. Previously, Respondent and plastic surgery resident James Andrew Brady, M.D. saw Patient HH for a preoperative consultation a few weeks prior to the surgery. Subsequently, Respondent and plastic surgery resident James Andrew Brady, M.D. saw Patient HH on three postoperative visits at the same location, a few days after the surgery, within the first postoperative week, and over a month after the surgery. On the date of the surgery, Respondent solicited and received from Patient HH a \$900 check, which was made out to "Jeffrey S. Yager, M.D.", as a fee for their services. Respondent deposited the check into his personal checking account.

- I. On or about September 30, 1996, Respondent performed blepharoplasty surgery on Patient II, a 39 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. On the date of the surgery, Respondent solicited and received from Patient II a \$200 check made out to cash, as a fee for his services. Respondent deposited the check into his personal checking account.
  1. Respondent administered the controlled substance Valium by mouth to Patient II preoperatively without keeping a proper record.



- J. On or about June 4, 1997, Respondent performed back liposuction surgery on Patient JJ, a female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady, M.D. performed the surgery together with Respondent. Previously, approximately two weeks before the surgery, Respondent and plastic surgery resident James Andrew Brady, M.D. had seen Patient JJ for a preoperative consultation at the same location. On the date of the surgery, Respondent solicited and received from Patient JJ a \$400 check made out to cash, as a fee for their services. Respondent deposited the check into his personal checking account.
- K. In or about October, 1996, Respondent performed bilateral blepharoplasty surgery, excision of a neurofibroma of the mouth, and neck liposuction surgery on Patient KK, a 55 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady, M.D. assisted in the surgery and associate attending plastic surgeon Ted Chaglassian made preoperative markings on the Patient KK and was present during the surgery. Previously, approximately two weeks prior to the surgery, Respondent had seen Patient KK for

a preoperative consultation at the same location. Respondent saw Patient KK at the same location within a month after the surgery to have stitches below the eyes removed and again a month later for postoperative follow-up.

1. Respondent administered the controlled substance Valium by mouth to Patient KK preoperatively without keeping a proper record.

- L. On or about February 23, 1997, Respondent performed bilateral blepharoplasty surgery on Patient LL, a 35 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the 6th floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York New York. Plastic surgery resident James Andrew Brady, M.D. performed the surgery with Respondent. On two occasions prior to the surgery, both Respondent and plastic surgery resident James Andrew Brady, M.D. saw Patient LL for preoperative consultations at the same location. Respondent solicited and received a \$400 check made out to cash from Patient LL, which was a fee for their services. Respondent deposited the check into his personal checking account.

## SPECIFICATIONS

### FIRST THROUGH TWELFTH SPECIFICATIONS

#### FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) (McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A and A1 insofar as they apply to Patient CC, and Paragraph C.
2. Paragraphs A and A1 insofar as they apply to Patient DD, and Paragraph D.
3. Paragraphs A and A1 insofar as they apply to Patient EE, and Paragraph E.
4. Paragraphs A and A1 insofar as they apply to Patient FF, and Paragraph F.
5. Paragraphs A and A1 insofar as they apply to Patient GG, and Paragraph G.
6. Paragraphs A and A1 insofar as they apply to Patient HH, and Paragraph H.
7. Paragraphs A and A1 insofar as they apply to Patient II, and Paragraph I.
8. Paragraphs A and A1 insofar as they apply to Patient JJ, and Paragraph J.
9. Paragraphs A and A1 insofar as they apply to Patient LL, and Paragraph L.
10. Paragraph B1.

11. Paragraph B2.

12. Paragraph B3.

### THIRTEENTH SPECIFICATION

#### NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) (McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

13. Paragraphs A and A2; C and C1; D and D1; E and E1-2; F and F1; G and G1; H; I and I1; J; K and K1; and L.

### FOURTEENTH THROUGH TWENTY-SIXTH SPECIFICATIONS

#### MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) (McKinney Supp. 1998) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

14. Paragraphs A and A1-2 insofar as they apply to Patient CC, and Paragraphs C and C1.

15. Paragraphs A and A1-2 insofar as they apply to Patient DD, and Paragraphs D and D1.

16. Paragraphs A and A1-2 insofar as they apply to Patient EE, and Paragraphs E and E1-2.

17. Paragraphs A and A1-2 insofar as they apply to Patient FF, and Paragraphs F and F1.
18. Paragraphs A and A1-2 insofar as they apply to Patient GG, and Paragraphs G and G1.
19. Paragraphs A and A1-2 insofar as they apply to Patient HH, and Paragraph H.
20. Paragraphs A and A1-2 insofar as they apply to Patient II, and Paragraphs I and I1.
21. Paragraphs A and A1-2 insofar as they apply to Patient JJ, and Paragraph J.
22. Paragraphs A and A2 insofar as they apply to Patient KK, and Paragraphs K and K1.
23. Paragraphs A and A1-2 insofar as they apply to Patient LL, and Paragraph L.
24. Paragraph B1.
25. Paragraph B2.
26. Paragraph B3.

**TWENTY-SEVENTH THROUGH THIRTY-SIXTH SPECIFICATIONS**


**FAILING TO MAINTAIN A RECORD**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) (McKinney Supp. 1998) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the facts of the following:

27. Paragraphs A and A2 insofar as they apply to Patient CC, and Paragraphs C and C1.

28. Paragraphs A and A2 insofar as they apply to Patient DD, and Paragraphs D and D1.
29. Paragraphs A and A2 insofar as they apply to Patient EE, and Paragraphs E and E2.
30. Paragraphs A and A2 insofar as they apply to Patient FF, and Paragraphs F and F1.
31. Paragraphs A and A2 insofar as they apply to Patient GG, and Paragraphs G and G1.
32. Paragraphs A and A2 insofar as they apply to Patient HH, and Paragraph H.
33. Paragraphs A and A2 insofar as they apply to Patient II, and Paragraphs I and I1.
34. Paragraphs A and A2 insofar as they apply to Patient JJ, and Paragraph J.
35. Paragraphs A and A2 insofar as they apply to Patient KK, and Paragraphs K and K1.
36. Paragraphs A and A2 insofar as they apply to Patient LL, and Paragraph L.

DATED: New York, New York  
October 7, 1998



---

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical  
Conduct