



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

July 12, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Zales, M.D.
6925 North Chaparral Place
Tucson, Arizona 85718

RE: License No. 095317
Effective Date: 07/19/94

Dear Dr. Zales:

Enclosed please find Order #BPMC 94-107 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

cc: H. Thomas Howell, Esq.
Howell, Gately, Whitney & Carter
Suite 502
401 Washington Avenue
Towson, MD 21204

Joseph Huberty, Esq.

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

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IN THE MATTER :
OF : ORDER
MICHAEL ZALES, M.D. : BPMC 94-107

-----X

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

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

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

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

SO ORDERED,

DATED: 1 July 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 TO
OF : SURRENDER
MICHAEL ZALES, M.D. : LICENSE

-----X

STATE OF ARIZONA)

ss.:

COUNTY OF *PIMA*)

MICHAEL ZALES, M.D., being duly sworn, deposes and says:

On or about September 21, 1965, I was licensed to practice medicine as a physician in the State of New York, having been issued License No. 095317 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with six (6) Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

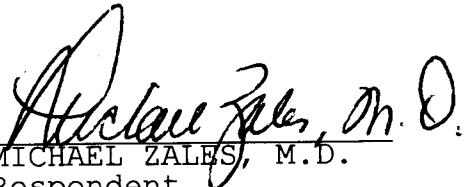
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the First and Fourth Specifications of the Statement of Charges in full satisfaction of all of the charges.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

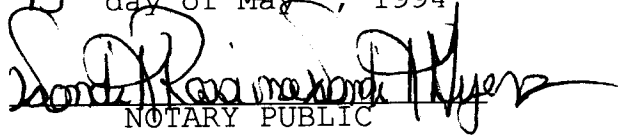
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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


MICHAEL ZALES, M.D.
Respondent

Sworn to before me this

^{June}
13th day of ~~May~~, 1994


NOTARY PUBLIC

STATE OF ARIZONA
My Commion expires My Commission Expires 10/14/96

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


-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
MICHAEL ZALES, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

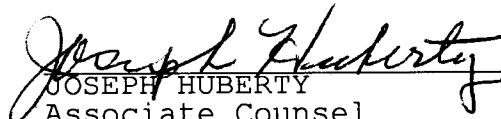
Date: June 13, 1994


MICHAEL ZALES, M.D.
Respondent

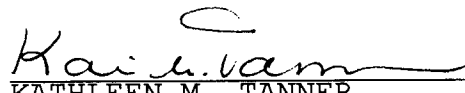
Date: June 16, 1994


H. THOMAS HOWELL, ESQ.
Attorney for Respondent

Date: June 24, 1994


JOSEPH HUBERTY
Associate Counsel
Bureau of Professional
Medical Conduct

Date: July 8, 1994


KATHLEEN M. TANNER
Director, Office of
Professional Medical
Conduct

Date: 1 July 1994

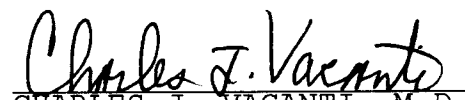

CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct
Director, Office of Professional
Medical Conduct

EXHIBIT "A"

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

-----X
IN THE MATTER : STATEMENT
OF : OF
MICHAEL ZALES, M.D. : CHARGES
-----X

MICHAEL ZALES, M.D., the Respondent, was authorized to practice medicine in New York State on September 21, 1965, by the issuance of license number 095317 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. Respondent's last known address as shown on his last registration with the New York State Education Department is 6925 North Chaparral Place, Tucson, Arizona 85718.

FACTUAL ALLEGATIONS

A. The Connecticut State Division of Medical Quality Assurance, Bureau of Health System Regulation, by Consent Order dated August 21, 1990 disciplined Respondent by suspending his license to practice medicine in the State of Connecticut for a period of three (3) years and directing that he undergo psychotherapy by a therapist approved by the Connecticut State Board.

B. In the August 21, 1990 Consent Order, Respondent chose not to contest certain allegations of wrongdoing, and agreed that for the purposes of proceedings before the Connecticut State

Department of Health Services those allegations and the Consent Order shall have the same effect as if proven and ordered after a full hearing.

C. The allegations of misconduct which Respondent chose not to contest or dispute in the Connecticut Consent Order are that:

1. He gave a patient a sexually explicit novel which was inappropriate because of her erotic transference problem;
2. He engaged in sexual relations with one or more patients;
3. He maintained an inappropriate social relationship with one or more patients which included regular phone conversations, occasionally private lunch and dinner meetings;
4. He breached the confidentiality of his therapeutic relationship with one or more patients.

D. The conduct resulting in the suspension of the Respondent's Connecticut license to practice medicine would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine) and/or N.Y. Educ. Law §6530(23) (revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient).

E. The Board of Medical Examiners of the State of Arizona, (hereinafter the Arizona State Board) by Stipulation and Order of Probation dated October 28, 1991, disciplined Respondent by placing him on probation for a period of five (5) years, limiting the number of hours a week Respondent could engage in practice, requiring that Respondent submit to random review of his office practice records by a psychiatrist approved by the Arizona State Board; requiring that Respondent participate in a Board approved "After-Care-Program"; requiring that Respondent participate in a "12-Step Recovery Program" appropriate for substance abuse and that he take no drugs; and requiring that Respondent submit to random biological fluid collection testing and that Respondent submit to mental, physical and competency examinations at such times as directed by the Arizona Board.

F. In the Stipulation and Order of Probation dated October 28, 1991, the Board of Medical Examiners of the State of Arizona made findings of Fact and Conclusions of Law among which were that:

1. Respondent was in violation of ARS 32-1401(21)(f) in that Respondent was guilty of habitual intemperance in the use of alcohol or habitual substance abuse; and
2. Respondent was in violation of ARS 32-1401(21)(dd) in that Respondent had failed to furnish information in a timely manner to the Arizona State Board or its investigators or representatives if legally requested by the Arizona State Board.

G. The conduct resulting in the disciplinary action taken by the Arizona State Board would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(8) (being a habitual user of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects) and/or N.Y. Educ. Law §6530(28) (failing to respond within thirty days to written communications from the department of health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct).

H. By Stipulation dated on or about July 31, 1992, the Board of Medical Practice of the State of Vermont (hereinafter Vermont State Board) suspended Respondent's license to practice in the State of Vermont for three years retroactive to October 28, 1989. A Specification of Charges was attached to the Stipulation charging Respondent with having had his "license revoked, suspended, limited or conditioned by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in this state, (Vermont)...".

I. The conduct charged against Respondent by the Vermont State Board was the conduct set forth in paragraph C, sub-paragraphs 1 through 4 above and paragraph F, sub-paragraph 1 above.

J. The conduct resulting in the Suspension of the Respondent's Vermont license would constitute professional misconduct in the State of New York as alleged in Paragraphs D and/or G above.

SPECIFICATION OF CHARGES

FIRST, SECOND AND THIRD SPECIFICATIONS
HAVING BEEN FOUND GUILTY OF PROFESSIONAL
MISCONDUCT BY ANOTHER STATE

Respondent is charged with professional misconduct by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in violation of N.Y. Educ Law §6530(9)(b) (McKinney Supp. 1994) in that the petitioner charges:

1. The facts in paragraphs A, B, C and/or D.
2. The facts in paragraphs E, F and/or G.
3. The facts in paragraphs H, I and/or J.

FOURTH, FIFTH and SIXTH SPECIFICATIONS
HAVING DISCIPLINARY ACTION TAKEN
BY ANOTHER STATE

Respondent is charged with professional misconduct by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken against him by a disciplinary agency of another state where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning

of New York Education Law Sec. 6530(9)(d) (McKinney Supp. 1994)
in that Petitioner charges:

4. The facts in paragraphs A, B, C and/or D.
5. The facts in paragraphs E, F and/or G.
6. The facts in paragraphs H, I and/or J.

Dated: Albany, New York

~~April~~ ^{June 24}, 1994



Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct