



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

March 5, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
& Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place – 4th Floor
Troy, New York 12180

Renata Maria Hanzlik, M.D.
a/k/a Nela Nelip
1114 South Mountain View Drive
Payson, Arizona 85541

Renata Maria Hanzlik, M.D.
a/k/a Nela Nelip
c/o David Tupper
18330 North 79th Avenue
Glendale, Arizona 85303-8343

**RE: In the Matter of Renata Maria Hanzlik, M.D.
a/k/a Nela Nelip**

Dear Parties:

Enclosed please find the Determination and Order (No. 02-72) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 then 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 (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the 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 penalties other than suspension or revocation 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.

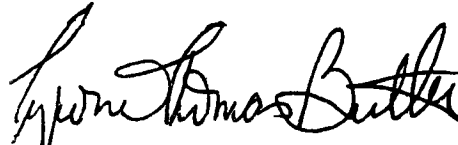
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

IN THE MATTER
OF
RENATA MARIA HANZLIK, M.D., A/K/A NELA NELIP

DETERMINATION

AND

ORDER

BPMC #02-72

A hearing was held on February 20, 2002, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Summary Order, dated August 16, 2001, was served on the Respondent, **Renata Maria Hanzlik, M.D., a/k/a Nela Nelip**. The Summary Order prohibited the Respondent from practicing medicine in New York State until the final determination in the present administrative hearing. A Notice of Referral Proceeding and a Statement of Charges, both dated October 12, 2001, were served upon the Respondent. **Ernst A. Kopp, M.D.**, Chairperson, **Jinil Yoo, M.D.**, and **Sister Mary Theresa Murphy**, 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. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, and **Paul Robert Maher, Esq.**, of Counsel. The Respondent did not appear at the hearing, either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

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

license number 200232 by the New York State Education Department (Petitioner's Ex. 7).

2. On March 28, 2001, the Arizona Board of Medical Examiners ("Arizona Board"), by an Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License ("First Arizona Order"), summarily suspended the Respondent's license to practice medicine, based on habitual substance abuse; prescribing, dispensing or administering a controlled substance or prescription drug for other than therapeutic purposes; violating an order of the Arizona Board; and failing to furnish information in a timely manner to the Arizona Board (Petitioner's Ex. 8, pp. 8-12).

3. On August 16, 2001, the New York State Department of Health, State Board for Professional Medical Conduct, by a Commissioner's Summary Order, summarily suspended the Respondent's license to practice medicine in New York State, based on the First Arizona Order (Petitioner's Ex. 1).

4. On August 22, 2001, the Arizona Board, by a Findings of Fact, Conclusions of Law, and Order for License Revocation ("Second Arizona Order"), revoked the Respondent's medical license, based on prescribing prescription medications in the names of others, but using those medications herself for non-medically necessary personal consumption; prescribing prescription medications to family members and friends in Poland without examining those persons; overdosing on Amitriptyline and Prozac; failure to comply with an order of the Arizona Board to undergo an inpatient evaluation for substance abuse; and the Respondent's refusal to rehabilitate herself (Petitioner's Ex. 8, pp. 1-7).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State pursuant to:

- New York Education Law Section 6530(2) (practicing the profession beyond its authorized scope);
- New York Education Law Section 6530(8) (being a habitual user of drugs);
- New York Education Law Section 6530(16) (willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine);
- New York Education Law Section 6530(20) (moral unfitness);
- New York Education Law Section 6530(29) (violating a term of probation or condition or limitation imposed); and
- New York Education Law Section 6530(32) (failing to maintain accurate records).

Contrary to the Statement of Charges, the Hearing Committee finds no evidence in the hearing record of a violation of New York Education Law Section 6530(3), which defines professional misconduct as "negligence on more than one occasion..."

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having her license to practice medicine revoked or having 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 revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case discloses that the Respondent is a habitual abuser of drugs, has violated the law regarding the prescription of drugs, and has been totally uncooperative with the Arizona Board regarding her problems. The First and Second Arizona Orders portray a physician who is out of control, who has no respect for the law governing the practice of medicine, and who is unwilling to address her problems.

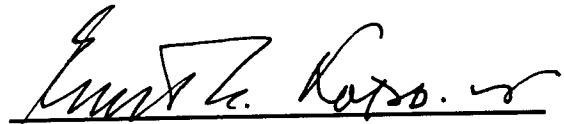
The Petitioner recommended during the hearing that the Respondent's license to practice medicine in New York State be revoked. Since the Respondent did not appear at the hearing, the hearing record contains no evidence regarding mitigation, rehabilitation or any other factor that could serve as a reason for rejecting the Petitioner's revocation recommendation. The recommendation will be adopted.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine is revoked.
2. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail.

DATED: Loudonville, New York
Jul 28th, 2002



Ernst A. Kopp, M.D.
Chairperson

Jinil Yoo, M.D.
Sister Mary Theresa Murphy

APPENDIX I

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

IN THE MATTER

OF

RENATA MARIA HANZLIK, M.D. AKA NELA NELIP
CO-01-05-2249-A

NOTICE OF

REFERRAL

PROCEEDING

TO: RENATA MARIA HANZLIK, M.D. AKA NELA NELIP
1114 South Mountain View Drive
Payson, AZ 85541

RENATA MARIA HANZLIK, M.D. AKA NELA NELIP
C/O DAVID TUPPER
18330 North 79th Avenue
Glendale, AZ 85303 - 8343

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15th day of November 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. 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 that 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.

EXHIBIT

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An Ev 2/2001

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 the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 5, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 5, 2001, 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 the Bureau of Adjudication, 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: Albany, New York

October 12, 2001



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

STATEMENT

OF

OF

**RENATA MARIA HANZLIK, M.D., AKA NELA NELIP
CO-01-05-2249-A**

CHARGES

RENATA MARIA HANZLIK, M.D. AKA NELA NELIP, the Respondent, was authorized to practice medicine in New York state on July 20, 1995, by the issuance of license number 200232 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about March 28, 2001, the Arizona Board of Medical Examiners (hereinafter "Arizona Board"), by an Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License (hereinafter "Arizona Order 1"), summarily suspended Respondent's license to practice medicine, based on habitual substance abuse, prescribing, dispensing or administering a controlled substances or prescription-only drugs for other than therapeutic purposes, violating an order of the board, and failing to furnish information in a timely manner to the board.

B. On or about August 16, 2001, the State of New York, Department of Health, State Board for Professional Medical Conduct (hereinafter "New York Board"), by a Commissioner's Summery Order (hereinafter "New York Order"), summarily suspended Respondent's license to practice medicine in the state of New York, based on the action by the state of Arizona described in Arizona Order 1, described in Paragraph A above.

C. On or about August 22, 2001, the Arizona Board, by a Findings of Fact, Conclusions of Law, and Order for License Revocation (hereinafter "Arizona Order 2"), revoked Respondent's medical license, based on prescribing prescription-only medications in the names of others but using those medications herself for non-medically necessary personal consumption, prescribing prescription-only medications to family members and friends in her

native Poland without examining those individuals, overdosing on Amitriptyline and Prozac, failure to comply with an order of the Arizona Board to undergo an inpatient evaluation for substance abuse, and Respondent's refusal to rehabilitate herself.

D. The conduct resulting in the Arizona Board disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession beyond its authorized scope);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(8) (being a habitual user of drugs);
4. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine);
5. New York Education Law §6530(20) (moral unfitness);
6. New York Education Law §6530(29) (violating a term of probation or condition or limitation imposed); and/or
7. New York Education Law §6530(32) (failing to maintain accurate records).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:


1. The facts in Paragraphs A, C, and/or D.

TWO SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having her license to practice medicine revoked or having 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 revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A, C, and/or D.

DATED: *Oct. 12*, 2001
Albany, New York


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