



New York State Board for Professional Medical Conduct

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

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

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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

James Andrew Brady, M.D.
4901 Henry Hudson Parkway #8J
Riverdale, NY 10471

RE: License No. 201779

Dear Dr. Brady:

Enclosed please find Order #BPMC 99-171 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: Robert L. Conason, Esq.
Gair, Gair, Conason, Steigman & Mackauf
80 Pine Street
New York, NY 10005

Paul Stein, Esq.

**IN THE MATTER
OF
JAMES ANDREW BRADY, M.D.**

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-171

STATE OF NEW YORK)
COUNTY OF NEW YORK)

ss.:

JAMES ANDREW BRADY, M.D., (Respondent) being duly sworn,
deposes and says:

That on or about December 21, 1995, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 201779 by the New York State Education
Department.

My current address is 4901 Henry Hudson Parkway, #8J,
Riverdale, NY 10471, 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 31 specifications of
professional misconduct.

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

I admit the truth of only factual allegations A and A2, B,
B4, and B6, C and C2, D and D1, E, F, G, H, I, J, K and K1. I
admit guilt to Specifications 22 (except for Paragraph B5), 23,
24, 25, 26, 27, 28 (except for Paragraph H1), 29, 30, 31 and
agree not to contest Specification 11 only as it applies to
Paragraphs A and A2, B, B4 and B6, C and C2, D, E, F, G, H, I, J,

K and K1, in full satisfaction of the charges against me. Nothing herein shall be construed as an admission of the truth of any factual allegations or specifications contained in the Amended Statement of Charges not specifically mentioned in this Consent Agreement and Order. I hereby agree to the following penalty:

1. A six month stayed suspension;
2. 350 hours of community service, to commence on or before September 1, 1999 and to be completed within ten weeks of commencement, in Kosovo under the auspices of Doctors Without Borders if feasible, or else in another 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 \$20,000 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.

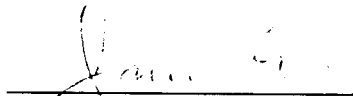
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 June 24, 1999



JAMES ANDREW BRADY, M.D.
Respondent

Sworn to before me
this 24 day of June, 1999



NOTARY PUBLIC

JACQUELINE A. MOONEY
Commissioner of Deeds
City of New York-No. 5-1427
Certificate Filed in New York County
Commission Expires November 13, 1999

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

DATE: 6/24/99

Robert L. Conason
ROBERT L. CONASON, ESQ.
Attorney for Respondent

DATE: 6-29-99

Paul Stein
PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: July 6, 1999

Anne F. Saile
ANNE F. SAILE
Director
Office of Professional
Medical Conduct.

**IN THE MATTER
OF
JAMES ANDREW BRADY, M.D.**

CONSENT
ORDER

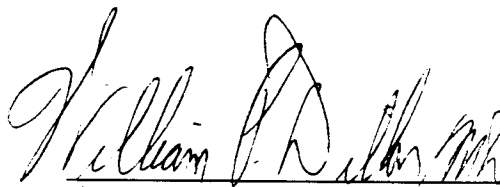
Upon the proposed agreement of JAMES ANDREW BRADY, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is agreed to and

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
JAMES ANDREW BRADY, M.D.

AMENDED
STATEMENT
OF
CHARGES

JAMES ANDREW BRADY, M.D., the Respondent, was authorized to practice medicine in New York State on December 21, 1995 by the issuance of license number 201779 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, at all times described below a plastic surgery resident at Presbyterian Hospital, provided care and treatment to Patients B, C, D, E, F, G, H, I, J and K (all patients are identified in Appendix A), as specified below in paragraphs B through K. The allegations set forth in paragraphs A-1 and A-2 each apply individually to Patients B through K.

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.
2. Respondent failed to keep and maintain an appropriate record for the patient, including, but not limited to, failing to keep and maintain an appropriate preoperative

record, operative record, and postoperative record for the patient.

B. On or about Sunday, May 11, 1997, beginning at about 9 a.m., Respondent performed abdominal liposuction surgery on Patient B, a 46 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D., on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. At the time of the surgery, no other physicians or other health care personnel were present in the office. Previously, Respondent had seen Patient B for a preoperative consultation on or about Sunday, May 4, 1997 at the same location. Shortly after the surgery, Patient B developed a post-operative wound infection. On or about Sunday, June 1, 1997, Respondent saw Patient B to evaluate and treat her post-operative complaints at the same location. Following this visit, Respondent made several visits to Patient B's home to treat her postoperative wound infection. At the preoperative consultation, Respondent solicited \$700 in cash from Patient B, which he received from her on or about the date of the surgery as a fee for his services.

1. Respondent performed surgery on Patient B without appropriate monitoring of the patient's condition.
2. Respondent inappropriately administered 5 mg. of the controlled substance Valium to Patient B from a supply

- returned by a previous patient.
3. Respondent failed to timely and appropriately treat Patient B's post-operative wound infection.
 4. Respondent failed to appropriately culture Patient B's post-operative wound infection.
 5. Respondent administered the controlled substance Valium to Patient B without keeping a proper record.
 6. Respondent inappropriately completed a triplicate prescription signed by another physician and provided Patient B with this prescription for the controlled substance Percocet.
 7. Respondent, with intent to deceive, asked Patient B and her lawyer to provide him with a letter stating that no money was exchanged for his surgical services, when Respondent knew that this was false.
 8. Respondent, with intent to deceive, initially told the Presbyterian Hospital chief of plastic surgery that Respondent received no payment from Patient B, when Respondent knew this to be false, and did not correct his statement until advised to do so by his attorneys.
 9. Respondent, with intent to deceive, initially told the former Presbyterian Hospital chief of plastic surgery that Respondent received no payment from Patient B, when Respondent knew this to be false, and did not correct his statement until advised to do so by his attorneys.

C. On or about Sunday, March 2, 1997 beginning about 12 noon, Respondent performed a maxillary autologous fat injection procedure for cosmetic purposes on Patient C, a 40 year old female, in a private medical office on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center (CPMC), 161 Fort Washington Avenue, New York, New York 10034. No other physicians or other health care personnel were present in the office during the procedure. Previously, on or about February 14, 1997, Respondent and plastic surgery resident Jeffrey Scott Yager, M.D. had seen Patient C for a preoperative consultation at the same location. At that preoperative consultation, Respondent quoted a fee of \$1,000 for a blepharoplasty, which Patient C subsequently decided not to have performed. On or about the date of the fat injection procedure, Respondent received from Patient C a \$100 check made out to cash, which had been solicited at the preoperative consultation, as a fee for his services. The check was deposited into plastic surgery resident Jeffrey Scott Yager, M.D.'s personal checking account.

1. Respondent performed surgery on Patient C without appropriate monitoring of the patient's condition.
2. Respondent failed to maintain surgical consent records of Patient C for the statutory six-year period.

D. On or about May 7, 1997, after 8 p.m., Respondent performed abdominal liposuction surgery on Patient D, a female, in a private medical office on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. At the time of the surgery no other physicians or other health care personnel were present in the office. Respondent received from Patient D \$300 in cash on the day of the surgery and an additional \$300 in cash within two to four weeks of the surgery, as a fee for his services, for a total of \$600.

1. Respondent performed surgery on Patient D without appropriate monitoring of the patient's condition.

E. On a Friday in or about May, 1997 at approximately 7 p.m., Respondent performed a fat injection procedure under both eyes of Patient E, a female, in a private medical office in the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. At the time of the surgery no other physicians or other health care personnel were present in the office. On or about the date of the surgery, Respondent solicited and received from Patient E \$250 in cash, as a fee for his services.

1. Respondent performed surgery on Patient E without appropriate monitoring of the patient's condition.

- F. On or about Sunday, April 27, 1997, beginning at about 8 or 9 a.m., Respondent performed abdominal and bilateral thigh liposuction surgery on Patient F, a female, in a private medical office in the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. Plastic surgery resident Jeffrey Scott Yager, M.D. was in attendance at the surgery. Subsequently, Respondent examined Patient F's surgical wounds two or three times postoperatively in the CPMC Emergency Room bathroom. On or about the date of the surgery, Respondent solicited and received from Patient F \$300 in cash, as a fee for his services for the abdominal liposuction surgery and \$100 in cash as a fee for his services for the liposuction surgery performed on each thigh, for a total of \$500.
- G. On or about February 7, 1997 at approximately 7 or 8 p.m., Respondent performed thigh liposuction revision surgery on Patient G, a 26 year old female, in a private medical office on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 140 West 168th Street, New York, New York 10034. Plastic surgery resident Jeffrey Scott Yager, M.D. was also present at the surgery. Previously, approximately a week prior to the surgery, Respondent had seen Patient G for a preoperative consultation at the same location. On or about the date of the surgery, Respondent solicited and received from Patient G a \$200 or \$300 check made out to cash or to James Brady, M.D.

H. On or about Sunday, May 18, 1997, Respondent performed abdominal liposuction surgery on Patient H, a 43 year old female, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034, with a second physician assisting, and with a third physician also participating. Previously, in or about May 1997, Respondent had seen Patient H for a preoperative consultation at the same location. At the preoperative consultation, Respondent solicited, and on or about the date of the surgery received, from Patient H \$2,300 in cash as the total of fees for his services to Patient H and Patient I.

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

I. On or about Sunday, May 18, 1997, Respondent performed blepharoplasty surgery on Patient I, a 44 year old male, in the private office of associate attending plastic surgeon Ted Chaglassian, M.D. on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. No other physicians or health care personnel were present in the office during the surgery. Previously, in or about May 1997, Respondent had seen Patient I for a preoperative consultation at the same

location. At the preoperative consultation, Respondent solicited, and on or about the date of the surgery received, from Patient I \$2,300 in cash as the total of fees for his services to Patient H and Patient I.

1. Respondent performed surgery on Patient I without appropriate monitoring of the patient's condition.

J. On or about October 25, 1996, Respondent performed bilateral thigh liposuction surgery on Patient J, a female, in a private medical office on the sixth floor of the Atchley Pavilion, Columbia Presbyterian Medical Center, 161 Fort Washington Avenue, New York, New York 10034. Previously, approximately two weeks prior to the surgery, Respondent had seen Patient J for a preoperative consultation at the same location. On or about the date of the surgery, Respondent solicited and received from Patient J an amount in three figures in cash, as a fee for his services.

K. On or about February 23, 1997, Respondent performed bilateral blepharoplasty surgery on Patient K, 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, 161 Fort Washington Avenue, New York New York. Plastic surgery resident Jeffrey Scott Yager, M.D. performed the surgery with Respondent. On two occasions prior to the surgery, both Respondent and

plastic surgery resident Jeffrey Scott Yager, M.D. saw Patient K for preoperative consultations at the same location.

Respondent and plastic surgery resident Jeffrey Scott Yager, M.D. solicited and received a \$400 check made out to cash from Patient K, which was a fee for their services. Plastic surgery resident Jeffrey Scott Yager, M.D. deposited the check into his personal checking account.

1. Respondent failed to maintain surgical consent records of Patient K for the statutory six-year period.

SPECIFICATIONS

FIRST THROUGH TENTH 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 B, and Paragraphs B and B7-9.
2. Paragraphs A and A1 insofar as they apply to Patient C, and Paragraph C.
3. Paragraphs A and A1 insofar as they apply to Patient D, and Paragraph D.
4. Paragraphs A and A1 insofar as they apply to Patient E, and Paragraph E.
5. Paragraphs A and A1 insofar as they apply to Patient F, and Paragraph F.
6. Paragraphs A and A1 insofar as they apply to Patient G, and Paragraph G.
7. Paragraphs A and A1 insofar as they apply to Patient H, and Paragraph H.
8. Paragraphs A and A1 insofar as they apply to Patient I, and Paragraph I.
9. Paragraphs A and A1 insofar as they apply to Patient J, and Paragraph J.
10. Paragraphs A and A1 insofar as they apply to Patient K, and Paragraph K.

ELEVENTH 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. 1999) 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:

11. Paragraphs A and A2; B and B1-6; C and C1-2; D and D1; E and E1; F; G; H and H1; I and I1; J; and K and K1.

TWELFTH THROUGH TWENTY-FIRST 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:

12. Paragraphs A and A1-2 insofar as they apply to Patient B, and Paragraphs B and B1-9.
13. Paragraphs A and A1-2 insofar as they apply to Patient C, and Paragraphs C and C1-2.
14. Paragraphs A and A1-2 insofar as they apply to Patient D, and Paragraphs D and D1.
15. Paragraphs A and A1-2 insofar as they apply to Patient E, and Paragraphs E and E1.

16. Paragraphs A and A1-2 insofar as they apply to Patient F, and Paragraph F.
17. Paragraphs A and A1-2 insofar as they apply to Patient G, and Paragraph G.
18. Paragraphs A and A1-2 insofar as they apply to Patient H, and Paragraphs H and H1.
19. Paragraphs A and A1-2 insofar as they apply to Patient I, and Paragraphs I and I1.
20. Paragraphs A and A1-2 insofar as they apply to Patient J, and Paragraph J.
21. Paragraphs A and A1-2 insofar as they apply to Patient K, and Paragraphs K and K1.

TWENTY-SECOND THROUGH THIRTY-FIRST SPECIFICATIONS


FAILING TO MAINTAIN A RECORD

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) (McKinney Supp. 1999) 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:

22. Paragraphs A and A2 insofar as they apply to Patient B, and Paragraphs B and B5-6.
23. Paragraphs A and A2 insofar as they apply to Patient C, and Paragraphs C and C2.
24. Paragraphs A and A2 insofar as they apply to Patient D, and Paragraph D.

25. Paragraphs A and A2 insofar as they apply to Patient E, and Paragraph E.
26. Paragraphs A and A2 insofar as they apply to Patient F, and Paragraph F.
27. Paragraphs A and A2 insofar as they apply to Patient G, and Paragraph G.
28. Paragraphs A and A2 insofar as they apply to Patient H, and Paragraphs H and H1.
29. Paragraphs A and A2 insofar as they apply to Patient I, and Paragraph I.
30. Paragraphs A and A2 insofar as they apply to Patient J, and Paragraph J.
31. Paragraphs A and A2 insofar as they apply to Patient K, and Paragraphs K and K1.

DATED: New York, New York
June 23, 1999



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical
Conduct