



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

October 7, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Therese Khoury, R.P.A.
7 Latham Village, #6
Latham, NY 12110

RE: License No. 006673

Dear Ms. Khoury:

Enclosed please find Order #BPMC 02-314 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 7, 2002.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Barry Gold, Esq.
Thuillez, Ford, Gold & Johnson, LLP
20 Corporate Woods Boulevard, 6th Floor
Albany, NY 12211

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

IN THE MATTER
OF
THERESE M. KHOURY, R.P.A.

CONSENT
ORDER

BPMC No. 02-314

Upon the application of Therese M. Khoury, R.P.A. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

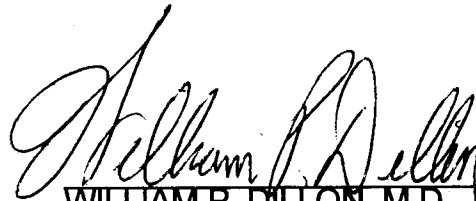
ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 10/3/02



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

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

**IN THE MATTER
OF
THERESE M. KHOURY, R.P.A.**

**CONSENT
AGREEMENT
AND
ORDER**

Therese M. Khoury, R.P.A. (Respondent), representing that all of the following statements are true, states:

That on or about December 31, 1998, I was licensed to practice as a Registered Physician Assistant in the State of New York, and issued License No. 006673 by the New York State Education Department.

My current address is 7 Latham Village Lane, #6, Latham, New York 12110, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to the fourth and ninth specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Five year suspension of my registration, the entirety of which shall be stayed conditioned on my full compliance with the terms of probation attached as exhibit B, for a period of five years.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that

proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED

8/27/02



THERESE M. KHOURY, R.P.A..
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 8/26/02


BARRY A. GOLD, ESQ.
Attorney for Respondent

DATE: 9/16/02


VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 9/30/02


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
THERESE M. KHOURY, R.P.A.

STATEMENT
OF
CHARGES

THERESE M. KHOURY, R.P.A., the Respondent, was licensed to practice as a Registered Physician Assistant in New York State in December 31, 1998, by the issuance of license number 006673 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 3, 1993, Respondent was charged with possession of cocaine (a felony), possession of cannabis (a misdemeanor) and possession of drug paraphernalia (a misdemeanor) in the Thirteenth Judicial Circuit Court, County of Hillsborough, Florida. On or about September 29, 1993, Respondent plead nolo contendere, adjudication of guilt was withheld, and Respondent was sentenced to approximately three years of probation.
- B. On or about May 5, 1998, Respondent signed an Application for License and First Registration with the New York Stated Education Department. Respondent responded "no" to the question "Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than by acquittal or dismissal?", when she knew or should have known the facts set forth in paragraph A.

- C. On or about April 22, 1999, Respondent signed a Medical Staff Application for St. Mary's Hospital, Amsterdam, New York and responded "no" to the questions "Are there any currently pending or past charges involving drug or alcohol related offenses" and "Are there any currently pending or past criminal charges (other than motor vehicle violations)", when in fact she knew or should have known the facts set forth in paragraph A.
- D. In or about August or September, 1998, Respondent wrongfully took and/or willfully failed to return Dr. Gorge S. Knapp's prescription pad.
- E. On or about September 11, 1998, Respondent wrote a prescription on the prescription pad of George S. Knapp, D.O. for 80 Soma (carisoprodol) 350 mg tablets for Therese D'Angelo (Respondent's maiden name). Respondent forged the signature of George S. Knapp, D.O. on the prescription and attempted to have the prescription filled at the Hannaford pharmacy, Glens Falls, New York.
- F. On or about September 18, 1998, October 12, 1998, November 9, 1998, December 9, 1998 and December 28, 1998, the Wal Mart pharmacy, Queensbury, New York filled prescriptions for 80 carisoprodol 350 mg. tablets, written under the doctor's name "Dr. Knapp", for Therese D'Angelo (Respondent's maiden name). Respondent knew or should have known that these prescriptions were not written by Dr. Knapp and/or Respondent forged his signature on the prescriptions.
- G. On or about November 20, 1998, December 12, 1998 and January 2, 1999, the CVS Pharmacy, Queensbury, New York filled prescriptions for 80

carisoprodol 350 mg. tablets, written under the doctor's name "George Knapp", for Theresa Deangelo (sic) (Respondent's maiden name).

Respondent knew or should have known that these prescriptions were not written by Dr. Knapp and/or Respondent forged his signature on the prescription.

- H. On or about May 10, 1999, Respondent was arrested and arraigneded before the Queensbury Town Court, Queensbury, New York for criminal possession of two forged instruments (a felony). On or about August 23, 1999, the charges were reduced to Disorderly Conduct, and the files containing the forged prescriptions for Soma were sealed by the Court.
- I. In or about November, 1999, Respondent, while working at St. Mary's Hospital, Amsterdam, New York, informed a worker at the Primary Care Center at Nathan Littauer Hospital, Gloversville, New York, that Patient A (identified in Appendix A), also an employee of the Primary Care Center, was currently an inpatient at the Mental Health Unit at St. Mary's Hospital.
- J. On or about January 23, 2001, while employed at the Albany County Correctional Facility, Albany, New York, Respondent obtained Ativan from inmate medication stock and self-medicated with the Ativan.
- K. On or about April 30, 2001, Respondent was evaluated by Russell Denea, M.D. In his report, Dr. Denea diagnosed Respondent as: major depressive disorder, recurrent, severe, in partial remission; cannabis abuse; anxiolytic abuse; amphetamine abuse by history; and "the patient's level of functioning at the present time is significantly limited by the psychiatric symptoms." He

recommended on-going psychotherapy for Respondent.

SPECIFICATION OF CHARGES

FIRST THROUGH SEVENTH SPECIFICATIONS

FRAUDULENT PRACTICE

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

1. The facts in paragraphs A and/or B.
2. The facts in paragraphs A and/or C.
3. The facts in paragraph D.
4. The facts in paragraph E.
5. The facts in paragraph F.
6. The facts in paragraph G.
7. The facts in paragraph J.

EIGHTH AND NINTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

8. The facts in paragraphs A and/or B.
9. The facts in paragraphs A and/or C.

TENTH THROUGH SIXTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) 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:

10. The facts in paragraphs A and/or B.
11. The facts in paragraphs A and/or C.
12. The facts in paragraph D.
13. The facts in paragraph E.
14. The facts in paragraph F.
15. The facts in paragraph G.
16. The facts in paragraph J.

SEVENTEENTH SPECIFICATION

BEING AN HABITUAL USER OR HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

17. The facts in paragraphs A, E, G, H, J and/or K.

EIGHTEENTH SPECIFICATION
REVEALING PATIENT INFORMATION
WITHOUT PRIOR PATIENT CONSENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(23) by revealing personally identifiable information obtained in a professional capacity without the prior consent of the patient as alleged in the facts of the following:

18. The facts in paragraph I.

DATED: *Sept. 16*, 2002
Albany, New York



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

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
3. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
4. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
5. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and Respondent's staff at practice locations or OPMC offices.
6. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
7. Respondent shall enroll in and complete a continuing education program proposed by Respondent, in the area of proper prescribing of controlled substances. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within one year of the effective date of this Order.
8. Respondent shall remain drug/alcohol free.
9. Respondent shall remain active in self help groups such as, but not limited

to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.

10. Respondent shall notify all treating physicians of her history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
11. Respondent shall practice only when monitored by qualified health care professional monitors (sobriety monitor, practice supervisor, and therapist) proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.
12. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
13. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.
14. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than 6 per month for the first 6 months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g., AA/NA/Caduceus, etc.), 12 step progress, etc.
15. Respondent shall practice medicine only when supervised in her medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
16. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
17. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.

18. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.
19. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.
20. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
21. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.