



***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.  
*Commissioner  
NYS Department of Health*

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

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

**PUBLIC**

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

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

March 8, 2004

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Kinga Vereczky-Porter, M.D.

REDACTED

RE: Resident

Dear Dr. Vereczky-Porter:

Enclosed please find Order #BPMC 04-44 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 15, 2004.

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 or receipt of the 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

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 1258  
Empire State Plaza  
Albany, New York 12237

Sincerely,

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

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

IN THE MATTER  
OF  
KINGA VERECZKY-PORTER, M.D.

CONSENT  
ORDER

BPMC No. 04-44

Upon the application of Kinga Vereczky-Porter, M.D. 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: 3/5/04

REDACTED

~~MICHAEL A. GONZALEZ, R.P.A.~~  
Vice Chair  
State Board for Professional Medical Conduct

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

**IN THE MATTER  
OF  
KINGA VERECZKY-PORTER, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

Kinga Vereczky-Porter, M.D., representing that all of the following statements are true, deposes and says:

That February 2, 1998 through February 2, 1999, I was authorized to practice as a physician in the State of New York, and issued a Limited Permit No. PO 3223 by the New York State Education Department.

My current address is REDACTED and I will advise the Director of the Office of Professional Medical Conduct of any change of address during the interval of time it will take to fulfill and satisfy penalties numbered (2) and (4) which follow.

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

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

In full and final satisfaction and settlement of the charges against me, I admit to the First Specification, and agree to the following penalty:

1. Censure and reprimand;
2. The Respondent shall enroll and complete a course of continuing medical education program in patient boundary issues. This program is subject to the Director of OPMC's prior written approval. This requirement to be completed within twelve (12) months of the effective date of the Order;

3. In the event the Respondent applies for and receives licensure to practice as a physician in New York State or enters the State to practice as an Exempt Person pursuant to New York State Education Law 6526, I shall be placed on probation for a period of 5 years subject to the terms set forth in attached Exhibit "B". Probation is tolled and the terms of probation on Exhibit B shall not apply to Respondent until such time as the Respondent applies for and receives licensure to practice as a physician in New York State or enters the State to practice as an Exempt Person pursuant to New York State Education Law § 6526;
4. Payment of a fine in the sum of \$2,500 payable in full within thirty (30) days of the effective date of this order. Payments must be submitted to:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 1245  
Albany, New York 12237

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

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order. In connection therewith, Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order, Respondent shall communicate with a person designated by the Director of OPMC, as directed, and 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 is in the process of fulfilling and satisfying penalties numbered (2) and (4) contained herein.

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 by the Board in the 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.

REDACTED

DATED 02/13/2004

~~KINGA VERECZKY-PORTER, M.D.~~  
RESPONDENT

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

DATE: 2/19/04

REDACTED

ROBERT PORTIN, ESQ.  
Attorney for Respondent

DATE: 2/20/04

REDACTED

THOR B. EVANICK  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 3/04/04

REDACTED

DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct



IN THE MATTER  
OF  
KINGA VERECZKY-PORTER, M.D.

STATEMENT  
OF  
CHARGES

KINGA VERECZKY-PORTER, M.D., the Respondent, was authorized to practice medicine in New York State under a Limited Permit only for the period of February 2, 1998 through February 2, 1999, by the issuance of permit number PO3223 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent was a Fellow at Millard Fillmore Hospital (MFH) in Buffalo, New York for the period of August 1, 1997 through June 21, 1998.
- B. Respondent was a resident at the Department of Internal Medicine, State University of New York, University at Buffalo, Office of Graduate Medical Education from the period June 22, 1998 through June 24, 2001.
- C. Respondent's duties included providing medical care at MFH. During the course of these duties, Respondent provided medical care to Patient A<sup>1</sup> on various occasions from on or about July, 1997 through July, 2001.

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<sup>1</sup>To preserve privacy throughout this document, the patient is referred to by letter designation. An Appendix is attached hereto.

1. Respondent, during the time she was providing medical care to Patient A, engaged in an ongoing and inappropriate personal relationship with Patient A, including the following:
  - a. Beginning with December of 2000, Patient A's mother was hospitalized and critically ill at MFH. Respondent began visiting with Patient A frequently while Patient A was at the hospital and provided her with emotional support. These contacts evolved into frequent interactions and a close friendship.
  - b. The interactions continued during Patient A's regularly scheduled visits to Respondent for treatment. Respondent at one such visit made a remark indicating Patient A's loss of weight would allow Respondent to fit into Patient A's pants with her.
  - c. Respondent exhibited flashes of temper towards Patient A on more than one occasion during treatment visits.
  - d. Respondent, on one occasion in May of 2001, became distraught and cried when Patient A was at the emergency room and was experiencing difficulty in being admitted to the medical facility.
  - e. Respondent, in May of 2001, gave Patient A Respondent's pager number.
  - f. Respondent, in May of 2001, began telephoning Patient A at her home and discussing non-medical issues.
  - g. Respondent had dinner with Patient A at a restaurant, and went out for dessert with Patient A after dinner. At the end of the evening Respondent gave Patient A Respondent's cell phone number.
  - h. Respondent met and became involved with members of Patient A's family.

- i. Respondent encouraged Patient A to stay overnight at Respondent's residence.
  - j. Respondent initiated contact with Patient A's counselor, a C.S.W., by telephoning her and continued to call her in regard to Patient A.
  - k. Respondent went to one of Patient A's counseling sessions with Patient A.
  - l. Respondent, during Patient A's counseling session, discussed issues regarding her personal relationship with Patient A.
  - m. Respondent, after she had relocated to North Carolina, continued communicating with Patient A by telephone and e-mail.
  - n. Respondent sent Patient A e-mails of a personal and intimate nature.
2. Respondent, during the time she was providing medical care to Patient A, engaged in an ongoing and inappropriate personal and sexual relationship with Patient A, including the following:
- a. Respondent, in May of 2001, following her initial meeting with Patient A outside of a medical setting, met with Patient A at another location. Respondent, during this meeting, revealed that she had feelings for Patient A.
  - b. Respondent and Patient A thereafter went to Respondent's residence where they conversed and had intimate physical contact.
  - c. Respondent and Patient A spent time together with increasing frequency until they saw each other every day, until Respondent's residency ended and she relocated out-of-state.
  - d. Respondent, subsequent to her first intimate physical contact with Patient A, and prior to Respondent's relocation to North Carolina, had conversations with Patient A which included discussions of

- Respondent and Patient A's possible future together.
- e. Respondent bestowed personal gifts upon Patient A.
  - f. Respondent, during May of 2001, engaged in sexual intercourse with Patient A at Respondent's private residence.
  - g. Respondent subsequently engaged in sexual intercourse with Patient A on more than one occasion.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with committing professional misconduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20), in that Petitioner charges:

1. The facts in paragraphs A, B, C and C.1.a. and/or C.1.b. and/or C.1.c. and/or C.1.d. and/or C.1.e. and/or C.1.f. and/or C.1.g. and/or C.1.h. and/or C.1.i. and/or C.1.j. and/or C.1.k and/or C.1.l and/or C.1.m and/or C.1.n and/or C.2.a. and/or C.2.b. and/or C.2.c. and/or C.2.d. and/or C.2.e. and/or C.2.f. and/or C.2.g.

DATED: July 28, 2003  
Albany, New York

REDACTED

~~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 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.
3. 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.
4. 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.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. 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 staff at practice locations or OPMC offices.
7. 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.
8. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.

- a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
  - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
9. The probation 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.
10. 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.