New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

March 26, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James Canelos, M.D.
63-59 Forest Avenue
Ridgewood, New York 11385

Re: License No. 096109

Effective Date April 2, 1996

Dear Dr. Canelos:

Enclosed please find Order #BPMC 96-70 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,

Charles J. Vacanti, M.D.
Chair
Board for Professional Medical Conduct

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

IN THE MATTER

OF

JAMES CANELOS, M.D.

SURRENDER

ORDER

BPMC #96-70

Upon the Application of JAMES CANELOS, 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: 20 March 1996

Charles J. Vacanti

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

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

IN THE MATTER

OF

JAMES CANELOS, M.D.

APPLICATION TO SURRENDER LICENSE

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

JAMES CANELOS, M.D., being duly sworn, deposes and says:

On or about March 1, 1966, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 096109 by the New York State Education Department.

My current address is 63-59 Forest Avenue, Ridgewood, New York 11385, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with eighteen 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 fourth specification, sixth specification, tenth specification (only to the extent it alleges the facts in paragraphs B and E and their subparagraphs), and twelfth through eighteenth specifications, and the allegations thereunder, in full satisfaction of the Statement of 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. 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.

JAMES CANELOS, M.D.
Respondent

Sworn to before me this

day of , 1996

NOTARY PUBLIC

York

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

IN THE MATTER

OF

JAMES CANELOS, M.D.

APPLICATION TO SURRENDER LICENSE

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

Date: 3/13/96, 1996

JAMES CANELOS, M.D.
Respondent

Date: 3/12/96, 1996

LOUIS FREEMAN, Esq.
Attorney for Respondent

Date: 3/14, 1996

SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: March 18, 1996

ANNE F. SAILE
Acting Director
Office of Professional Medical Conduct

Date: 20 March 1996

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

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

IN THE MATTER OF JAMES CANELOS, M.D.	STATEMENT OF CHARGES

JAMES CANELOS, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 1, 1966, by the issuance of license number 096109 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. At all times herein mentioned, Respondent was a general practitioner with offices located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385. Respondent treated Patient A from on or about December 27, 1984 through January 21, 1993, at his office. (Patient A and all patients are identified in the annexed Appendix).

1. On or about January 21, 1993 Patient A, an 18 year old female, was seen by Respondent complaining of a lump on her neck for approximately one year. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

   a. Respondent, while holding a stethoscope with his fingers, reached under Patient A's blouse and

brassiere and rubbed her breast and nipple with the palm of his hand.

b. Subsequently, while purportedly performing a breast examination, Respondent placed his hand inside and under Patient A's brassiere and fondled her left breast and nipple.

2. Respondent failed to maintain a medical record for Patient A which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

B. Respondent treated Patient B, a 16 year old female, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385, from on or about April 6, 1992 through on or about March 15, 1993.

1. On or about August 17, 1992, Patient B was seen by Respondent complaining of a vaginal yeast infection. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent repeatedly pressed his erect penis against Patient B's right thigh.

2. Respondent failed to perform and note an adequate physical examination.

3. Respondent failed to adequately address and/or treat Patient B's symptoms.

4. Respondent failed to maintain a medical record for Patient B which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

C. Respondent treated Patient C, a 23 year old female, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385.

1. On or about November 18, 1986, Patient C was seen by Respondent complaining of a vaginal yeast infection. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

   a. Respondent put some type of cream on his fingers and stroked Patient C's clitoris for a long period of time.

   b. Respondent told Patient C that he had to perform clitoral stimulation so she could "secrete" and he could examine the secretion to determine what type of infection she suffered. Respondent advised Patient C to return in one or two weeks.

2. On or about December 5, 1986, during a follow-up visit and while purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

   a. Respondent told Patient C that he needed "another sample", he placed an unidentified cream on his fingers and stroked Patient C's clitoris for a long

period of time.

3. On or about December 20, 1986, Patient C was seen by Respondent complaining of cough, wheezing and chest pain. While purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

a. Respondent instructed Patient C to remove all her clothing and lie back on the examining table, Respondent told Patient C he needed a "sample" and proceeded to manipulate Patient C's clitoris for a long period of time. Respondent then placed a Q-tip in her vagina and ostensibly obtained a "sample" which he rubbed on a slate.

b. Thereafter Respondent offered Patient C a job and told her she had a slim figure and nice eyes.

4. On or about January 5, 1987, Patient C was seen by Respondent, in the course of purportedly rendering medical care, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

a. Respondent told Patient C that she needed a special treatment and led her down to the basement area of his office. Respondent told Patient C to disrobe completely and get in a whirlpool tub. Respondent

told Patient C to place her vagina right on top of the water jet to "clean yourself out".

b. While Patient C was in the whirlpool tub, Respondent applied an unknown cream to Patient C's vaginal area and manipulated her clitoris for a long period of time.

c. While Patient C was in the whirlpool tub, Respondent told her that he was lonely and offered to take his clothes off and get into the tub with her.

5. Respondent failed to maintain a medical record for Patient C which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

D. Respondent treated Patient D, a 69 year old woman, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385, from on or about March 5, 1991 through on or about November 24, 1992.

1. On or about March 5, 1991, Patient D presented in Respondent's office with a history of myocardial infarction, coronary bypass surgery, hypertension and atrial fibrillation with frequent PVC's. Patient D's complaints included palpitations and headaches. Respondent inappropriately ordered a CT scan to rule out a brain tumor. This test was not warranted by Patient D's history, complaints and/or physical examination.

2. On or about July 2, 1991, Respondent prescribed inappropriately Mexiletine for Patient D.

3. On or about July 5, 1991, Respondent failed to order a Holter monitor and/or other diagnostic teats which were indicated by the Patient's clinical condition.

4. On or about November 24, 1992 Patient D presented at Respondent's office complaining of severe rapid palpitations and pounding in the chest. Respondent inappropriately prescribed an increased dose of Mexiletine. The next day, Patient D was admitted at Wyckoff Heights Medical Center in a comatose state. She remained in this condition until her death in February 1993.

5. Respondent failed to adequately address Patient D cardiac complaints.

6. Respondent failed to adequately address Patient D's symptoms suggesting coronary artery disease, angina, and palpitations with/or without arrhythmias.

7. Respondent failed to maintain a medical record for Patient D which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

E. Respondent treated Patient E, a 22 year old woman, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385, from on or about May 2, 1990 through on or about June 17, 1992.

1. At all the dates above mentioned, Respondent failed to obtain and note an adequate medical history.

2. At all times above mentioned, Respondent failed to perform and note an adequate physical examination related to Patient E's complaints.

3. On or about May 2, 1990, Respondent diagnosed Patient E as suffering from a peptic ulcer without a reasonable clinical basis.

4. On or about June 19, 1990, Respondent inappropriately prescribed Prozac for Patient E without noting or evaluating psychiatric complaints and/or history.

5. On or about November 30, 1990, Respondent inappropriately prescribed Desyrel for Patient E without noting or evaluating psychiatric complaints and/or history.

6. On or about May 14, 1991, Respondent prescribed Desyrel for Patient E which was not indicated by the Patient's clinical condition. On or about June 24, 1991, Patient E was admitted to Wyckoff Heights Medical Center suffering from an overdose of Desyrel.

7. Respondent failed to maintain a medical record for Patient E which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

F. Respondent treated Patient F, an 18 year old woman, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385, on or about September 29, 1992.

1. On or about September 29, 1992, Patient F presented serious gynecological symptoms, Respondent failed to perform or note a pelvic and/or breast examination. Respondent presumptively diagnosed pelvic inflammatory disease without an adequate clinical basis to support said diagnosis.

2. On or about September 29, 1992 Respondent inappropriately

manipulated Patient F vaginally resulting in a vaginal wall tear.

3. Respondent failed to maintain a medical record for Patient F which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

G. Respondent treated Patient G, a 22 year old female, at his office located at 63-59 Forest Avenue, Ridgewood, Queens, New York 11385, on or about August 24, 1992 and on or about September 29, 1992.

1. At all dates above mentioned, Patient G presented serious gynecological symptoms, Respondent failed to perform or note a pelvic examination, breast examination and/or any physical examination.
2. Respondent presumptively diagnosed Patient G as suffering from pelvic inflammatory disease without adequate clinical basis to support said diagnosis.
3. Respondent failed to maintain a medical record for Patient G which fairly and accurately reflects the evaluation and/or the treatment rendered to her.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATION

WILL FULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT EITHER PHYSICALLY OF VERBALLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1996) by willfully harassing, abusing or intimidating a patient either physically or verbally, in that Petitioner alleges the facts of the following:

1. Paragraph A, A.1, A.1.a, and/or A.1.b.
2. Paragraph B and/or B.1.
3. Paragraph C, C.1, C.1.a, C.1.b, C.2, C.2a, C.3, C.3.a, C.3.b, C.4, C.4.a, C.4.b, and/or C.4.c.

FOURTH THROUGH SIXTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1996) 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:

4. Paragraph A, A.1, A.1.a, and/or A.1.b.

5. Paragraph B and/or B.1.

6. Paragraph C, C.1, C.1.a, C.1.b, C.2, C.2a, C.3, C.3.a, C.3.b, C.4, C.4.a, C.4.b, and/or C.4.c.

SEVENTH THROUGH NINTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1996) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

7. Paragraph A, A.1, A.1.a, and/or A.1.b.

8. Paragraph B and/or B.1.

9. Paragraph C, C.1, C.1.a, C.1.b, C.2, C.2a, C.3, C.3.a, C.3.b, C.4, C.4.a, C.4.b, and/or C.4.c.

TENTH 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. 1996) 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:

10. A, A.2, B, B.2, B.3, B.4, C.5, D, D.1, D.2, D.3, D.4, D.5, D.6, D.7,

E, E.1, E.2, E.3, E.4, E.5, E.6, E.7, F, F.1, F.2, F.3, G, G.1, G.2, and/or G.3.

ELEVENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1996) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

11. A. A.2, B, B.2, B.3, B.4, C.5, D, D.1, D.2, D.3, D.4, D.5, D.6, D.7, E, E.1, E.2, E.3, E.4, E.5, E.6, F, F.1, F.2, F.3, G, G.1, G.2 and/or G.3.

TWELFTH THROUGH EIGHTEENTH SPECIFICATION

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) in that he failed to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient, as alleged in the facts of:

12. The facts in Paragraphs A and A.2.
13. The facts in Paragraph B and B.4.
14. The facts in Paragraph C and C.5.
15. The facts in Paragraph D and D.7.

16. The facts in Paragraph E and E.7.

17. The facts in Paragraph F and F.3.

18. The facts in Paragraph G and G.3.

DATED: January 4, 1996
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct