



**Board for Professional Medical Conduct**

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

**C. Maynard Guest, M.D.**  
Executive Secretary

January 20, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

John T. Clardy, M.D.  
114 East 17th Street  
Norfolk, VA. 23517

RE: License No. 129947  
Effective Date: 1/27/93

Dear Dr. Clardy:

Enclosed please find Order #BPMC 93-09 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 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :  
OF : ORDER  
JOHN T. CLARDY, M.D. : BPMC 93-09

-----X

Upon the application of JOHN T. CLARDY, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

ORDERED, that the application and the provisions thereof  
are hereby adopted and so ORDERED, and 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 by certified mail, whichever is  
earliest.

SO ORDERED,

DATED:

19 January 1993

Charles J. Vacanti

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

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
JOHN T. CLARDY, M.D. : CONSENT  
: ORDER  
-----X

COMMONWEALTH OF VIRGINIA )  
COUNTY OF *Stafford* ) ss.:

JOHN T. CLARDY, M.D., being duly sworn, deposes and says:  
That on or about February 25, 1977, I was licensed to  
practice as a physician in the State of New York, having been  
issued License No. 129947 by the New York State Education  
Department.

I am not currently registered with the New York State  
Education Department. I was last registered from an address at  
65 Harbor Key, Secaucus, New Jersey.

I understand that the New York State Board of Professional  
Medical Conduct has charged me with Two Specifications of  
professional misconduct.

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

I admit guilt to each of the Two Specifications in full  
satisfaction of the charges against me.

I hereby agree to the penalty:

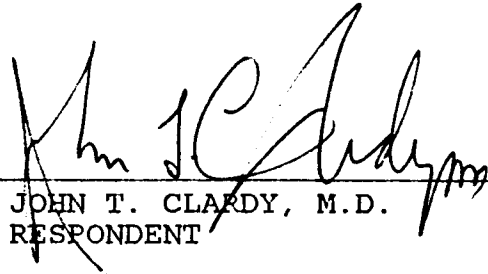
- (a) that my license to practice medicine be suspended for a period of three (3) years;
- (b) that the suspension be stayed; and
- (c) that, during the three (3) years my medical license is suspended, I will adhere to the Terms of Probation, attached hereto, made a part hereof, and marked as Exhibit "B".

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 or 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

  
\_\_\_\_\_  
JOHN T. CLARDY, M.D.  
RESPONDENT

Sworn to before me this  
9th day of JAN , 1993.

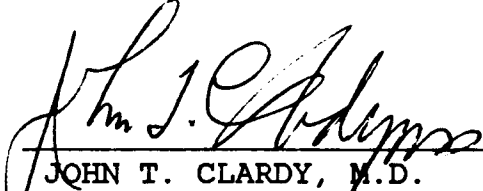
  
\_\_\_\_\_  
NOTARY PUBLIC

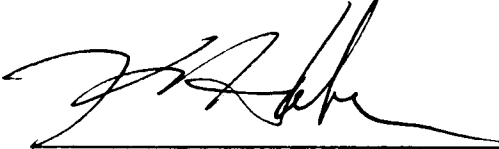
My Commission Expires April 18, 1993


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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
JOHN T. CLARDY, M.D. : CONSENT  
: ORDER  
-----X

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

Date: JAN. 9, 1993   
JOHN T. CLARDY, M.D.  
RESPONDENT

Date: 1/7/93   
KENNETH J. HABER, ESQ.  
ATTORNEY FOR RESPONDENT

Date: 1/11/93   
MICHAEL A. HISER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Jan. 19, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 19 January 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JOHN T. CLARDY, M.D. : CHARGES

-----X

JOHN T. CLARDY, M.D., the Respondent, was authorized to practice medicine in New York State on February 25, 1977, by the issuance of license number 129947 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last known registered address was 65 Harber Key, Secaucus, New Jersey.

FACTUAL ALLEGATIONS

A. By Consent Order dated June 12, 1992, an Informal Conference Committee ("Committee") of the Virginia Board of Medicine ("Virginia Board"), the duly authorized professional disciplinary agency of the Commonwealth of Virginia, ordered that the license of Respondent to practice medicine in Virginia be placed on indefinite probation, with stated terms and conditions.



1. The Consent Order contained findings of fact, conclusions of law, an entry of consent by the Respondent, and terms of indefinite probation.
2. The substance of the findings of fact made by the Committee regarding the Respondent's care of twelve patients between December 1987 and September 1989 was that:
  - a. the Respondent excessively and indiscriminately prescribed controlled substances of high abuse potential to patients identified as Patients A, B, E, G, H, I, and K;
  - b. that Respondent failed to appropriately evaluate and manage the care of Patient L;
  - c. that Respondent failed to appropriately document the indications for treatment of Patient M;
  - d. that Respondent delayed in documenting a history, physical, and discharge summary for Patient N;
  - e. that Respondent failed to properly document the rationale for treatment of Patient O; and
  - f. that Respondent failed to appropriately evaluate and manage symptoms shown by Patient P.
3. Based on the Findings of Fact, the Committee concluded that Respondent had violated Virginia Code sections 54.1-2915.A(3) (as further defined in secs. 54.1-2914.A(3) and (10)), sec. 54.1-3303 and sec. 54.1-3408.
4. Respondent waived his right to contest the findings in the Virginia proceeding or any subsequent Virginia proceeding, but Respondent did not admit to the findings of fact.

5. The conduct described in the Consent Order's Findings of Fact concerning Respondent's care of patients identified as "A", "B", "E", "G", "H", "I" and "K" - "P", resulted in Respondent's license to practice medicine in the Commonwealth of Virginia being placed on indefinite probation. That conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law secs. 6530(3), 6530(4), 6540(5), 6530(6), and/or 6530(9)(e).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF IMPROPER  
PROFESSIONAL PRACTICE OR PROFESSIONAL  
MISCONDUCT BY A DULY AUTHORIZED  
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1992 and ch. 37 of the Laws of 1992) in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, and A and A.5.

SECOND SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN AGAINST  
RESPONDENT BY DULY AUTHORIZED PROFESSIONAL  
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with having disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1992), in that Petitioner charges:

2. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, and A and A.5.

DATED: Albany, New York  
*January 11, 1993*

*Peter D. Van Buren*

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

EXHIBIT "B"

TERMS OF PROBATION

1. JOHN T. CLARDY, M.D., Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237, of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, at the above address, before the end of the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that (1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register; and that (2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents. Proof of each of the above must be submitted before the end of the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the State Board of Professional of Professional Medical Conduct.

6. Respondent's license to practice medicine in the Commonwealth of Virginia is presently on indefinite probation, pursuant to a Consent Order ("Virginia Order") entered into between Respondent and the Virginia Board of Medicine, which Respondent signed on June 10, 1992. By the terms of the Virginia Order, an Informal Conference Committee is to provide ongoing monitoring of Respondent's indefinite probation and determine the frequency of Respondent's further appearances before it. The Informal Conference Committee is also to serve as the instrument of the Virginia Board of Medicine, responsible for reviewing and approving all information regarding compliance with the terms and conditions of the Virginia Order. Respondent will insure that the Informal Conference Committee and the Virginia Board of Medicine provide the Director of OPMC with all documents they receive and consider regarding the ongoing monitoring of Respondent's indefinite probation and Respondent's compliance with the terms and conditions of the Virginia Order. The Director of OPMC shall receive this information for the duration of the indefinite probation in Virginia.

### Monitoring Provisions

7. Pursuant to the submission of his Application for Consent Order to the Board, Respondent agrees that, if he begins to practice medicine in New York State during the 3 years of my suspension, he will have his practice of medicine monitored as provided in this Agreement and on the following terms:
  - a. Respondent shall assure that his practice of medicine be monitored by a physician, licensed to practice medicine in New York State and then currently engaged in the practice of medicine, who shall be an internist or general practitioner. Respondent shall select such a physician (monitor) no later than thirty days from the date that Respondent begins to practice medicine in New York. Respondent shall apprise the Director of OPMC of the physician selected. The physician shall not be a member of Respondent's family. Respondent shall select a successor monitor(s) if that becomes necessary during the term of this Agreement.
  - b. Respondent's practice shall be monitored in New York State in accordance with these terms for the balance of the term of suspension, or 2 (two) years from the date Respondent began to practice in New York, whichever is longer.
  - c. The monitor shall be subject to the approval of the Director of OPMC, shall be aware of and have a copy of this Agreement, shall submit to the Director of OPMC a curriculum vitae of brief written description of his or her medical education, experience and current practice, and shall submit a written acknowledgement to the Director of OPMC that he or she will serve as a monitor of Respondent's practice of medicine according to the terms of this Agreement. The continuation of the appointment of the initial monitor, as well as the appointment of any successor monitor, shall be subject to the approval of the Director of OPMC.
  - d. Respondent shall cooperate with the monitoring of Respondent's practice of medicine by the Director of OPMC. The monitoring shall include, at a minimum an assessment of the adequacy and/or appropriateness of Respondent's recordkeeping practices, prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients to other physicians or health care professionals. The monitoring shall include any other reasonable means of monitoring Respondent's practice of medicine, including without limitation, review of additional patient records concerning specific areas of Respondent's practice of medicine and discussions with Respondent of his treatment

of patients and practice of medicine. The monitoring shall conduct random reviews of Respondent's practice on at least a quarterly basis, and shall include a review of a minimum of 30 patient charts.

- e. Respondent shall cause the monitor to submit to the Director of OPMC written quarterly reports regarding the monitoring of Respondent's practice of medicine. The written reports shall include a written assessment of the adequacy and/or appropriateness of Respondent's record keeping practices, prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients. With regard to the patient records reviewed, the monitor shall also provide a description of any other means undertaken by the monitor to monitor Respondent's practice, the monitor's conclusion that Respondent is practicing medicine with reasonable skill and safety to his patients, and the basis for such conclusion.
  - f. In the event the monitor concludes or has reason to believe that Respondent is not practicing medicine with reasonable skill and safety to his patients, the monitor shall immediately notify the Director of OPMC and shall include in the report submitted to the Director of OPMC, identification of the problems or causes for concern in Respondent's practice of medicine, identification of any patient cases involved, copies of the records of such patients, and Respondent's explanation, if any, of the problems or concerns.
  - g. Respondent shall cooperate with any designated Medical Coordinator of the Department of Health's Office of Professional Medical Conduct, who may two times during the term of this Agreement, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator, interviews with Respondent, random review of my patient records, observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine.
8. The payment for the services of persons or other matters referenced in this Agreement is Respondent's responsibility.
9. All written notifications or submissions required by these Monitoring Provisions shall be submitted and addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237.

### Re-training Provisions

10. Pursuant to the Virginia Order, Respondent has agreed to earn 100 credit hours of Category I continuing medical education by June 12, 1993, of which 45 credit hours shall be from participation in the continuing medical education program sponsored by the University of Medicine and Dentistry of New Jersey, Robert Wood Johnson Medical School and Forensic and Education Consultants entitled, "Mini Residency and the proper Prescribing of Controlled Dangerous Substances," and at least 13 credit hours from participation in the Yale School of Medicine examination on the contents of The Medical Letter. All other continuing medical education is to be approved in advance by the Virginia Board of Medicine. Respondent's completion of that training by June 12, 1993, shall be a requirement of these terms of probation.
11. Evidence of Respondent's having earned these credits shall be provided to the Director of the Office of Professional Medical Conduct.
12. Respondent's successful completion of the course of re-training represented by the 100 credit hours of Category I continuing medical education shall be a condition precedent to the continued stay of the suspension of Respondent's license. If Respondent does not earn the necessary credits by June 12, 1993, and apprise the Director of OPMC of having earned the credits, Respondent's license to practice medicine in New York State shall be suspended until such time as evidence of his having earned the credits is received by the Director of OPMC.
13. So long as there is full compliance with every term set forth in these Terms of Probation, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.