



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

C. Maynard Guest, M.D.
Executive Secretary

August 4, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ali Davachi, M.D.
212 East Main Street
Middletown, New York 10940-4005

License No. 105573

Effective Date: 08/11/95

Dear Dr. Davachi:

Enclosed please find Order #95-166 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.

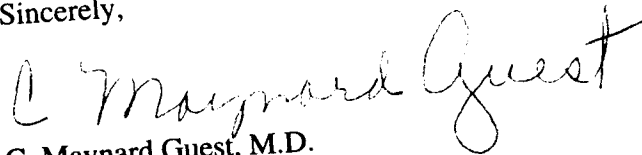
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

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
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,



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

Enclosure

cc: James Eberz, Esq.
Meiselman, Farber, Packman & Eberz, P.C.
118 North Bedford Road
P.O. Box 151
Mt. Kisco, New York 10549

Karen Carlson, Esq.

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

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IN THE MATTER :
OF : ORDER
ALI DAVACHI, M.D. : BPMC #95-166

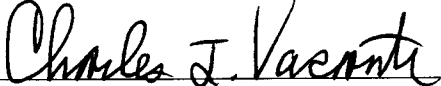
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Upon the application of Ali Davachi, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

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: 3 August 1995



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
ALI DAVACHI, M.D. : CONSENT
: ORDER
-----X

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

Ali Davachi, M.D., being duly sworn, deposes and says:
That on or about February 26, 1970, I was licensed to practice as a physician in the State of New York, having been issued License No. 105573 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1995 through February 28, 1997.

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

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

I admit guilt to the fourth specification, that of failing

to maintain records for patients which accurately reflect the evaluation and treatment of the patients, in full satisfaction of the charges against me.

I hereby agree to the penalty a Censure and Reprimand, two years probation with a review of my office files quarterly during that term of probation, and a fine of one thousand dollars.

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



ALI DAVACHI, M.D.
RESPONDENT

Sworn to before me this

21st day of July, 1995.


NOTARY PUBLIC

ELIZABETH COLON
Notary Public, State of New York
No. 4676752
Qualified in Orange County
Term Expires August 31, 1996

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

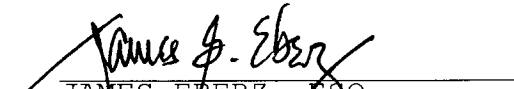
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IN THE MATTER : APPLICATION
OF : FOR
ALI DAVACHI, M.D. : CONSENT
: ORDER
-----X

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


DATE: 7/21/95


ALI DAVACHI, M.D.
RESPONDENT

DATE: July 25, 1995

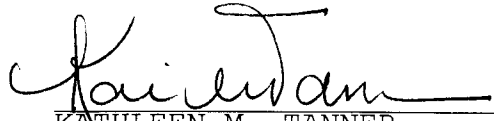

JAMES EBERZ, ESQ.
ATTORNEY FOR RESPONDENT

DATE: July 31, 1995


KAREN EILEEN CARLSON, ESQ.
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE:

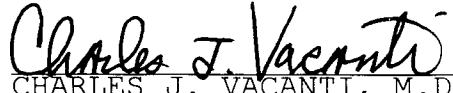
Aug. 2, 1995



KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE:

3 August 1995



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 : STATEMENT
OF : OF
ALI DAVACHI, M.D. : CHARGES

-----X

Ali Davachi, M.D., the Respondent, was authorized to practice medicine in New York State on February 26, 1970 by the issuance of license number 105573 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A (all patients are identified in the attached appendix), a then 66 year old female, at the Arden Hill Hospital in Goshen, New York from on or about April 28, 1989 to on or about April 30, 1989. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:
1. Respondent, on or about April 28, 1989, failed to timely respond to a nurse's telephone call regarding Patient A's sudden acute abdominal distress.
 2. Respondent failed to timely evaluate Patient A and/or failed to order a timely surgical consultation.
 3. Respondent ordered a flat plate abdominal film of Patient A.
 4. Respondent, after diagnosing diverticulitis in Patient A, ordered Kefzol administered to Patient A.

Exhibit "A"

5. Respondent ordered an inadequate volume and type of IV fluid in a hypotensive patient.
6. Respondent, sometime after April 28, 1989 inserted a note in Patient A's chart dated April 28, 1989, while knowing that the note was not written on April 28, 1989.
7. Respondent failed to perform and/or record any evaluation and physical findings regarding his treatment of Patient A.

B. Respondent provided medical care to Patient B, a then 80 year old female, at Horton Memorial Hospital in Middletown, New York, from on or about May 17, 1990 to on or about May 25, 1990. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent ordered an inappropriate IV solution administered to Patient B for four days.
2. Respondent failed to respond to a telephone call from a nurse concerning the IV solution being administered to Patient B.
3. Respondent continued a low sodium diet to Patient B.

SPECIFICATIONS

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(3) (McKinney Supp. 1995) by reason of his having practiced the profession with negligence on more than one occasion, in that Petitioner charges:

1. The facts in Paragraphs A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5, and/or A and A.6, and/or A and A.7, and/or B and B.1, and/or B and B.2, and/or B and B.3.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) by reason of his having practiced the profession with incompetence on more than one occasion in that Petitioner charges:

2. The facts in Paragraphs A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5, and/or A and A.6, and/or A and A.7, and/or B and B.1, and/or B and B.2, and/or B and B.3.

THIRD SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp. 1995) by reason of his having practiced the profession fraudulently in that Petitioner charges:

3. The facts in Paragraphs A and A.6.

FOURTH SPECIFICATION

RECORD KEEPING

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

4. The facts in Paragraphs A and A.7.

DATED: *July 13*, 1995

Albany, New York



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

EXHIBIT "B"

TERMS OF PROBATION

1. Ali Davachi, M.D., 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. That 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, 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, as aforesaid, no later than 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; said proof of the above to be submitted no later than 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 Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is 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).

7. So long as there is full compliance with every term herein set forth, 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.
8. Respondent shall comply with the Office of Professional Medical Conduct, its director, or his or her designee, conducting a review of Respondent's office records, patient records and hospital charts on a quarterly basis for the duration of the term of probation.