

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER

OF

LADISLAV HABINA, M.D.

STATEMENT

OF

CHARGES

Ladislav Habina, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 6, 1996 by the issuance of license number 205170 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 31, 2014 the New Jersey Board of Medical Examiners (New Jersey Board) entered into a Consent Order with the Respondent to resolve an administrative complaint against the Respondent alleging that (1) his approach to the diagnosis and treatment of his patients failed to determine the cause of the pain; resulted in excessive or unnecessary treatments; and masked the discovery of the source of the patients' pain by performing multiple treatments at once; (2) his record keeping was deficient in that he failed to prepare adequate, contemporaneous, professional treatment records of his care and treatment of his patients and utilized improper terminology; and (3) Respondent's training in interventional pain management as part of his anesthesiology residency requirement was inadequate foundation for practicing interventional pain management. The New Jersey Board found that Respondent's actions in failing to maintain proper patient records constituted professional misconduct. Based on the above, the New Jersey Board reprimanded the Respondent for failure to maintain proper patient records, assessed penalties and costs in the aggregate amount of \$30,000, ordered the Respondent to

promptly undergo a full evaluation and assessment of pain management, anesthesiology, general medical knowledge and skills, and any other areas deemed appropriate by the Upstate New York Clinical Competency Center of Albany Medical College in Albany, New York and fully and satisfactorily complete the entirety of any recommendations the Assessment Center may make with regard to additional evaluations, practice restrictions and professional education.

B. Respondent's conduct as described above upon which the finding of unprofessional conduct in New Jersey was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation of the patient.)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional 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 (namely N.Y. Educ. Law §§ 6530 (32)) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(32)) as alleged in the facts of the following:

2. The facts in Paragraph A and B.

DATE: July 21, 2016
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct