

**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

WALTER ZAWISLAK, M.D.

STATEMENT

OF

CHARGES

Walter Zawislak, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 3, 1994 by the issuance of license number 194570 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 13, 2015 the Texas Medical Board issued a Final Order (hereafter "Texas Board Order") against the Respondent. By the terms of the Texas Board Order the Respondent was publicly reprimanded, required to pass the Medical Jurisprudence Examination with a score of 75 or above, required to complete at least 24 hours of continuing medical education including at least eight hours in the topic of ethics, at least eight hours in the topic of risk management, and eight hours in prescribing opiate medications. Respondent was also required to contact the Texas A&M Health Science Center Rural and Community Health Institute for the purpose of scheduling an assessment of at least two days or an equivalent course to determine whether the Respondent should undergo an education plan. The Texas Board Order was based on the Respondent's care and treatment of one patient from December 6, 2009 to December 9, 2009. The Texas Board Order concluded that Respondent (1) failed to meet the standard of care, (2) committed negligence in the performance of medical services, (3) failed to use proper diligence in his professional practice, (4) failed to safeguard against potential complications, (5) failed to personally monitor or

ensure continuous monitoring of the patient and failed to prescribe or administer a drug or treatment that was nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed, and (6) failed to maintain an adequate medical record.

B. Respondent's conduct as described above upon which the finding of unprofessional conduct in Texas 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(4) (practicing the profession with gross negligence on a particular occasion;
2. New York Education Law §6530(6) (practicing the profession with gross incompetence; and/or
3. 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 (4), (6) and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraphs 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 (4), (6) and/or (32)) as alleged in the facts of the following:

2. The facts in Paragraphs A and B.

DATE: ~~March~~ ^{APRIL 5}, 2016
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct