



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

July 31, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hedy Tasbas, M.D.
8 Chesham Way
Fairport, New York 14450

RE: License No. 153979

Effective Date: 08/07/95

Dear Dr. Tasbas:

Enclosed please find Order #95-160 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,

C. Maynard Guest, M.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: George Schell, Esq.
Johnson, Mullan & Brundage
80 Linden Oaks
Rochester, New York 14625

Fred Zimmer, Esq.

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

-----x

IN THE MATTER :
OF : ORDER
HEDY E. TASBAS, M.D. : BPMC #95-160

Respondent

-----x

Upon the application of HEDY E. TASBAS, 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: 25 July 1995

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
HEDY E. TASBAS, M.D. : CONSENT
RESPONDENT : ORDER
-----X

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

HEDY E. TASBAS, M.D., being duly sworn, deposes and says:

That on or about April 29, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 153979 by the New York State Education Department.

I understand that the New York State Board for Professional Medical Conduct has charged me with fourteen 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 eleventh through fourteenth specifications in full satisfaction of the charges against me.

I hereby agree to the following penalty:

- a) A censure and reprimand.
- b) Two years of probation in accordance with the terms set forth in Appendix B which is annexed

hereto, which include the quarterly monitoring of my medical practice during the term of probation and my successful completion prior to March 1, 1996 of a course in psychopharmacology to be given and designed by the Department of Kansas School of Medicine - Wichita Department of Psychiatry and Behavioral Sciences (hereinafter "the course sponsor") and approved by the Office of Professional Medical Conduct. I shall furnish to the Office of Professional Medical Conduct prior to March 1, 1996, written documentation from the course sponsor of my successful completion of the course and all written assessments made of me by the proctors of the course. Prior to my acceptance into the course, I shall be evaluated by the course sponsor including an interview by the course sponsor. The course will consist of materials to be provided me by the course sponsor. Successful completion of the course will entail my passing an oral examination to be given by the course sponsor in Kansas and, thereafter, my successfully completing two weeks of clinical responsibilities under the supervision of the course sponsor in Kansas. In the event that I am not accepted in the above referenced course, I will be required to successfully complete a similar program which has been pre-approved by the Office of Professional Medical Conduct. It will be

my responsibility to locate such a course and submit a description of said course to the Office of Professional Medical Conduct within forty five days of my notification of non-acceptance to the Kansas course described above.

All expenses incurred by me in connection with my compliance with the terms of this order, including the probationary terms, will be my sole responsibility.

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.

Hedy E. Tasbas M.D.

HEDY E. TASBAS, M.D.,
RESPONDENT

Sworn to before me this

17th day of July

, 1975.

George A. Schell
NOTARY PUBLIC

GEORGE A. SCHILL
Notary Public, State of New York
Monroe County # 3487529
Commission Expires May 31, 1987

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
HEDY E. TASBAS, M.D. : CONSENT
RESPONDENT : 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: 7/17/95

Hedy E. Tasbas M.D.
HEDY E. TASBAS, M.D.
Respondent

DATE: 7/17/95

George Scheld
GEORGE SCHELL, ESQ.
Attorney for Respondent

DATE: 7/19/95

Frederick Zimmer
FREDERICK ZIMMER
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: 7/20/95

Kathleen M. Tanner
KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 25 July 1995

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 : STATEMENT
OF : OF
HEDY E. TASBAS, M.D. : CHARGES
Respondent :

-----X
HEDY E. TASBAS, M.D., the Respondent, was authorized to practice medicine in New York State on April 29, 1983 by the issuance of license number 153979 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, during a period beginning on approximately May 24, 1991 and continuing through approximately June 8, 1991 provided medical care to patient A (all patients are identified in the attached Appendix A), a 36 year old female who was admitted to Soldiers and Sailors Memorial Hospital, Penn Yann, New York (hereinafter "Soldiers and Sailors Memorial Hospital") on or about May 24, 1991. Respondent's care of Patient A was deficient in the following respects:

1. Respondent failed to perform and/or document an adequate psychiatric exam for this patient.

EXHIBIT A

2. Respondent, at various times, inappropriately ordered, changed and/or discontinued Patient A's medications and/or failed to document an adequate rationale for doing so.

B. Respondent, during a period beginning on approximately January 28, 1991 and continuing through approximately February 14, 1991, treated Patient B, a 33 year old female, at Soldiers and Sailors Memorial Hospital. Respondent's care of Patient B was deficient in the following respects:

1. Respondent, at various times, inappropriately ordered, changed and/or discontinued Patient B's medications and/or failed to document an adequate rationale for doing so.
2. Respondent prescribed drugs in combinations which were not indicated and/or contraindicated in that she prescribed Mellaril and Haldol in combination and/or Navane and Thorazine in combination and/or Mellaril and Cogentin in combination.
3. Respondent inappropriately ordered that Patient B be discharged on February 14, 1991.

C. Respondent, during a period beginning on approximately January 14, 1991 and continuing through approximately February 4, 1991, treated Patient C, a 65 year old female, at Soldiers and Sailors Memorial Hospital. Respondent's care was deficient in the following respects:

1. Respondent, during this patient's hospital stay, inappropriately ordered, changed and/or discontinued medications and/or failed to document adequate rationale for doing so.
2. Respondent inappropriately prescribed anti-cholinergic drugs in combination.

3. Respondent diagnosed that Patient C was suffering from panic attacks without adequate indication and/or adequate documented description of the panic attacks.
4. Respondent inappropriately prescribed Mellaril and small doses of Xanax as a treatment for the panic attacks described in Factual Allegation A.3.

D. Respondent, during a period beginning on or about January 19, 1991 and continuing through approximately February 1, 1991, treated Patient D, a 66 year old female, at Soldiers and Sailors Memorial Hospital. Respondent's care was deficient in the following respects:

1. Respondent, inappropriately ordered, changed and/or discontinued medications without adequate indication and/or failed to document an adequate rationale for doing so.
2. Respondent inappropriately treated Patient D with Lithium.
3. Respondent inappropriately treated Patient D who had a diagnosis of Tardive Dyskinesia with neuroleptic medication and/or anti-cholinergic drugs.

FIRST THROUGH FOURTH SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530 (4) (McKinney Supp. 1995) by reason of her having practiced the profession with gross negligence on a particular occasion, in that the Petitioner charges:

1. The facts in paragraphs A and A.1 and/or A.2.
2. The facts in paragraphs B and B.1, B.2 and/or B.3
3. The facts in paragraphs C and C.1, C.2, C.3 and/or C.4.

4. The facts in paragraphs D and D.1, D.2 and/or D.3.

FIFTH THROUGH EIGHTH SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(6) (McKinney Supp. 1995) by reason of her having practiced the profession with gross incompetence, in that the Petitioner charges:

5. The facts in paragraphs A and A.1 and/or A.2.
6. The facts in paragraphs B and B.1, B.2 and/or B.3.
7. The facts in paragraphs C and C.1, C.2, C.3 and/or C.4.
8. The facts in paragraphs D and D.1, D.2 and/or D.3.

NINTH SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE
ON MORE THAN ONE OCCASION

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

9. The facts in paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, C and C.4, D and D.1, D and D.2 and/or D and D.3.

TENTH SPECIFICATION

PRACTICING THE PROFESSION
WITH INCOMPETENCE ON MORE THAN ONE OCCASION

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

10. The facts in paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, C and C.4, D and D.1, D and D.2 and/or D and D.3.

ELEVENTH THROUGH FOURTEENTH SPECIFICATIONS

FAILING TO MAINTIAN RECORDS ACCURATELY REFLECTING

EVALUATION AND TREATMENT OF PATIENTS

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1995) by reason of her having failed to maintain a record for each patient which accurately reflects her evaluation and treatment of the patient, in that the Petitioner charges:

11. The facts in paragraphs A and A.1 and/or A.2.
12. The facts in paragraphs B and B.1.
13. The facts in paragraphs C and C.1 and/or C.3.
14. The facts in paragraphs D and D.1.

DATED: Albany, New York

June 14, 1995



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

EXHIBIT "B"
TERMS OF PROBATION
AND MONITORING

1. HEDY E. TASBAS, M.D., (hereafter, "Respondent") during the two (2) year period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any medical employment and practice, of Respondent's residence and telephone number, or of any changes in Respondent's medical employment, practice, or 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. Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees. The proof from DPLS regarding registration fees is 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 90 days after the period of probation begins.
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. The proof of the above is to be submitted no later than 60 days after the period of probation begins.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician designated by OPMC who may quarterly during the period of probation, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients or any other reasonable means of

reviewing Respondent's practice of medicine.

6. Respondent shall cooperate with the monitoring of her practice by a practice monitor. Such practice monitor shall review Respondent's professional performance and practice. The practice monitor:
 - a. Shall be a board certified psychiatrist licensed to practice medicine in New York State.
 - b. Shall monitor Respondent's practice of medicine including, without limitation and at the discretion of the monitor, interviews with Respondent, random review of respondent's patient records, observation of Respondent's treatment of patients and other reasonable means of reviewing Respondent's practice of medicine.
 - c. Shall not be a personal friend or relative of Respondent.
 - d. Shall be selected by Respondent, subject to the approval of the Director of OPMC.
 - e. Shall be familiar with the Application for Consent Order and with the Terms of Probation contained herein.
 - f. Shall, during the two years of probation, submit to OPMC quarterly reports regarding the quality of Respondent's practice of medicine and compliance with the Terms of Probation.
 - g. Shall immediately report to the Director of OPMC any failure of Respondent, at any time, to comply with the Terms of Probation.
7. Respondent's prescription and treatment of patients with medications including neuroleptic drugs, anti depressants and controlled substances shall conform to accepted standards of medical care.
8. Respondent shall comply with all terms, conditions, restrictions, and penalties to which she is subject pursuant to the order of the Board including the course requirements set forth in Section "b" of the Application for Consent Order;
9. During the twenty four (24) months that Respondent is being monitored under these terms of probation, Respondent shall be required to maintain medical malpractice insurance coverage with limits of no less than two million dollars per occurrence and six million dollars per policy year, as required by Public Health Law Section 230(18)(b) (McKinney Supp. 1995).
10. 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.

11. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.