



*New York State Board for Professional Medical Conduct*

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner of Health*

Patrick F. Carone, M.D., M.P.H.  
*Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

July 1, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Samson Adegbite, M.D.  
28 Stoneledge Court  
Williamsville, New York 14221

RE: License No. 175350

Dear Dr. Adegbite:

Enclosed please find Order #BPMC 98-127 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 8, 1998.**

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  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

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  
Corning Tower, Room 1315  
Empire State Plaza  
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Barry Covert, Esq.  
Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria  
42 Delaware Avenue, Suite 300  
Buffalo, New York 14202-3901

Joseph H. Cahill, Esq.

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

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IN THE MATTER	:	CONSENT
OF	:	AGREEMENT
SAMSON ADEGBITE, M.D.	:	AND ORDER
	:	BPMC # 98-127

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SAMSON ADEGBITE, M.D., says:

On or about July 22, 1988, I was licensed to practice as a physician in the State of New York, having been issued license number 175350 by the New York State Education Department.

My current address is 28 Stoneledge Court, Williamsville, New York 14221, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the first and second specifications, factual allegations A4 and B4 only.

I hereby agree to the following penalty:

1. Three year term of probation on the terms and conditions affected.
2. Payment of a fine of \$14,000.
3. Censure and Reprimand issued by the Board for Professional Medical Conduct.


I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

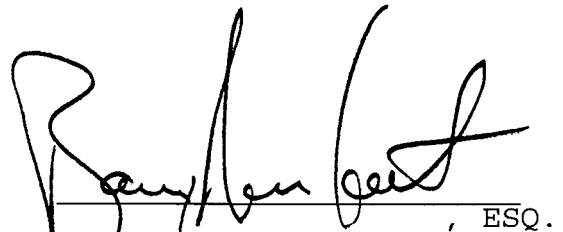
  
SAMSON ADEGBITE, M.D.  
RESPONDENT

Subscribed before me this  
day of , 1998

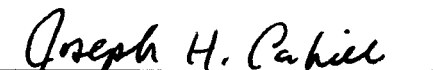
\_\_\_\_\_  
NOTARY PUBLIC

AGREED TO:


DATE: 6-15-98

  
\_\_\_\_\_, ESQ.  
Attorney for Respondent

DATE: June 17, 1998

  
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JOSEPH H. CAHILL, ESQ  
Attorney  
Bureau of Professional  
Medical Conduct

DATE: June 23 1998

  
\_\_\_\_\_  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

ORDER

Upon the proposed agreement of SAMSON ADEGBITE, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; 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.

DATED: 6/25/98

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/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 (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action;
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits

with Respondent and his/her staff at practice locations or OPMC offices.

7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall act professionally in all ways toward the identified complainants in this matter, and agrees to refrain from any and all acts of retaliation against them. Respondent agrees to make no verbal or written disparaging comments against the identified complainants based upon the charges in this matter.
9. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.
10. The fine imposed herein (\$14,000) shall be paid in six (6) monthly and equal installments. The first payment of \$2,333.33 shall be paid not later than 30 days from the effective date of the Order. The following payments shall be made every 30 days thereafter until the fine is fully paid.



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

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IN THE MATTER : STATEMENT  
OF : OF  
SAMSON G. ADEGBITE, M.D. : CHARGES

-----X

SAMSON G. ADEGBITE, M.D., the Respondent, was authorized to practice medicine in New York State on July 22, 1988 by the issuance of license number 175350 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent while employed as a psychiatrist at the Bry Lin Hospital, a mental health care facility, did engage in the below listed behaviors at such mental health care facility, during the hours of his employment and while the health care professional listed below was employed to assist in the care and treatment of psychiatric patients. The period during which the conduct took place was from approximately August 1, 1995 through August 19, 1996, inclusive.

1. Respondent intentionally placed his hand between Nurse A's legs, in her genital area.
2. Respondent intentionally touched Nurse A's buttocks on numerous occasions, including occasions when patients were in the vicinity.
3. Respondent intentionally grabbed Nurse A's breasts.

4. Respondent made lewd and sexually suggestive remarks, gestures and comments directed at Nurse A, on one or more occasions.

B. Respondent while employed as a psychiatrist at the Bry Lin Hospital, a mental health care facility, did engage in the below listed behaviors at such mental health care facility, during the hours of his employment and while the health care professional listed below was employed to assist in the care and treatment of psychiatric patients. The period during which the conduct took place was from approximately August 1, 1995 through August 19, 1996, inclusive.

1. Respondent intentionally grabbed Nurse B's hand and forced it between his legs, in his genital area.
2. Respondent intentionally touched Nurse B's buttocks on numerous occasions.
3. Respondent intentionally brushed his body against Nurse B on one or more occasions.
4. Respondent made lewd and sexually suggestive remarks, gestures and comments directed at Nurse B on one or more occasions.

#### SPECIFICATIONS


#### FIRST AND SECOND SPECIFICATIONS

#### MORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine within the meaning of New York State Education Law §6530(20) in that, Petitioner charges:

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

DATED: *June 17*, 1998  
Albany, New York

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