



New York State Board for Professional Medical Conduct

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

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Ansel R. Marks, M.D., J.D.

Executive Secretary

September 9, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Samson Adegbite, M.D.
28 Stoneledge Court
Williamsville, NY 14221

RE: License No. 175350

Dear Dr Adegbite:

Enclosed please find Order #BPMC 99-227 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 9, 1999.**

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,

A handwritten signature in black ink, appearing to read "Ansel R. Marks".

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

Enclosure

cc: Barry Covert, Esq.
Lipsitz, Green, Fahringer, Roll
42 Delaware Avenue
Suite 300
Buffalo, NY 14202-3857

Joseph Cahill, Esq.

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

IN THE MATTER
OF
SAMSON ADEGBITE, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-227

STATE OF NEW YORK)
COUNTY OF) so.:

SAMSON ADEGBITE, M.D., (Respondent) being duly sworn, deposes and says:

That on or about July 22, 1988, I was licensed to practice as a physician in the State of New York, having been issued License No. 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 the New York State Board for Professional Medical Conduct has charged me with one (1) specification 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 specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine shall be suspended for a period of two (2) years, with the suspension stayed in its entirety provided that I comply with this agreement and with the Terms of Probation annexed hereto as Exhibit B. Said stayed suspension to run concurrently with the probation period.

- A fine of \$2,500.
- A three (3) month period of intensive therapy and treatment.
- Four years probation.
- Respondent recognizes that the Board has agreed to stay the suspension of his license because the Board has determined that the public will be adequately protected only if Respondent fully complies with the terms and conditions of practice set forth in this consent agreement. Accordingly, Respondent hereby consents to the issuance of an Order of automatic suspension of his license without prior notice upon the Board's receipt of information which the Director of the Office of Professional Medical Conduct (OPMC), in her sole discretion, deems reliable as demonstrating that Respondent has failed to comply with Term 8 of the Probation Terms. Respondent shall have the right to apply for removal of the automatic suspension by submitting a written request to the Director of OPMC. Within ten (10) days from the date of receipt of said request, the Board shall commence a hearing before a committee of the Board to determine whether Respondent's application should be granted. At that hearing, Respondent will bear the burden of demonstrating that the stay of the suspension of his license should be reinstated. Neither the issuance of an Order of automatic suspension nor a hearing conducted pursuant to this paragraph shall bar the initiation and prosecution of a proceeding pursuant to the Public Health Law.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, if any, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions

shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

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

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

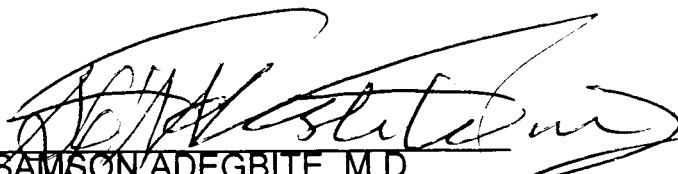
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the

Application be granted.

AFFIRMED:

DATED


7/12/99


SAMSON ADEGBITE, M.D.
Respondent

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

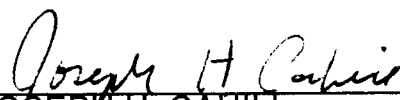
DATE:

7/12/99


BARRY COVERT, ESQ.
Attorney for Respondent

DATE:

7/15/99


JOSEPH H. CAHILL
Associate Counsel
Bureau of Professional
Medical Conduct

DATE:

8/29/99


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SAMSON ADEGBITE, M.D.

CONSENT
ORDER

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

ORDERED, that the application and the provisions thereof are hereby
adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,
which may be accomplished by mailing, by first class mail, a copy of the Consent
Order to Respondent at the address set forth in this agreement or to
Respondent's attorney by certified mail, or upon transmission via facsimile to
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9/4/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent 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 and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 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. 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].
4. 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.
5. 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.
6. 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.
7. Respondent, at his own expense and within 45 days of the effective date of the Order, shall provide the Director of OPMC with an evaluation and proposed treatment plan from Gene G. Abel, M.D. of the Behavioral Medicine Institute of Atlanta, Inc., or such other practitioner as shall be approved, in writing, by the Director of OPMC. At a minimum, the treatment plan shall include ongoing therapy and a practice behavior monitoring program to prevent sexual harassment of staff and physician

sexual misconduct. Such treatment shall be for a period of at least three (3) months, during which time Respondent shall not practice medicine.

8. I agree not to practice medicine for a period of three (3) months following the issuance of the Board's Order and to coincide with the treatment set forth here in. A violation of this provision shall result in an automatic suspension of my license in accordance with the consent agreement.
9. Upon notification of approval by the Director of OPMC, Respondent shall implement the treatment plan. In the event that the Director of OPMC does not approve the proposed treatment plan, this matter shall be returned to the Board for further consideration.
10. Respondent shall engage in ongoing therapy for a period of four (4) years. The therapist shall be proposed by Respondent and approved, in writing, by the Director of OPMC. The therapist shall be fully aware of the nature of the charges against Respondent and shall not be a personal friend.
11. Respondent shall obtain and fully cooperate with a practice behavior monitor for a period of four (4) years. The practice behavior monitor proposed by Respondent and approved, in writing, by OPMC shall be fully aware of the nature of the charges against Respondent. The Director of OPMC and the behavior practice monitor shall have full access to the information collected in the practice behavior monitoring program referred to in paragraph seven.
12. Respondent agrees that the behavior practice monitor and all treatment providers must be willing to cooperate in making reports as requested by OPMC for four (4) years. The behavior practice monitor shall submit to OPMC quarterly progress reports detailing either compliance or noncompliance with treatment recommendations. Additionally, the behavior practice monitor and all treatment providers shall complete a comprehensive annual evaluation. All reports shall be submitted to OPMC within 30 days of the completion of the relevant time period.
13. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or 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.
14. Respondent shall receive prior written approval of new employment, which approval shall not be unreasonably withheld.
15. Respondent's hours of employment shall not exceed on average 65 hours per week so that the goals of behavior monitoring and therapy shall be realized.

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

-----X

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

-----X

SAMSON 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. The Respondent is currently registered with the New York State Education Department to practice medicine, with a registration address of 28 Stoneledge Court, Williamsville, New York 14221.

FACTUAL ALLEGATIONS

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 also employed to assist in the care and treatment of psychiatric patients:

1. During the early part of January 1999, while a patient was being restrained, Respondent made sexually suggestive comments directed toward female staff member A.

2. On or about January 27, 1999, Respondent made a lewd and sexually suggestive remark directed at female staff member A.
3. On or about January 27, 1999 at 9:45 P.M., Respondent made a telephone call to female staff member A, which call was received by family members of female staff member A. This call was not necessitated by professional duties and caused staff member A upset and discomfort.

SPECIFICATION

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:

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

August
DATED: May 25, 1999
Albany, New York

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