



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower    The Governor Nelson A. Rockefeller Empire State Plaza    Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

December 29, 1992

## CORRECTION LETTER

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jurji Dides, M.D.  
515 East Grant Street - #801  
Minneapolis, Minnesota 55404

Jurji Dides, M.D.  
c/o Eli Saffiti  
1821 Oats - Apartment 425  
Mesquite, Texas 75150

Cindy Fascia, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2429  
Empire State Plaza  
Albany, New York 12237

**RE: In the Matter of Jurji Dides, M.D.**

Dear Dr. Dides and Ms. Fascia:

Enclosed please find the Determination and Order (No. BPMC-92-110) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must than be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the  
Administrative Review Board's Determination and Order.

Very truly yours,

*Tyrone T. Butler, nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X  
IN THE MATTER ; DETERMINATION  
OF ; AND  
JURJI DIDES, M.D. ; ORDER  
-----X ORDER NO. BPMC-92-110

STANLEY L. GROSSMAN, M.D., Chairman, DENISE M. BOLAN, R.P.A. and S. MOUCHLY SMALL, M.D., duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. MICHAEL P. MCDERMOTT, ESQ., Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**SUMMARY OF THE PROCEEDINGS**

Notice of Hearing and Statement of Charges:	October 9, 1992
Hearing Dates:	November 23, 1992
Place of Hearing:	NYS Department of Health Albany, NY
Date of Deliberations:	November 23, 1992
Petitioner appeared by:	Peter J. Millock, Esq. General Counsel NYS Department of Health By: Cindy Fascia, Esq. Associate Counsel
Respondent appeared by:	The Respondent failed to appear

**WITNESSES**

**For the Petitioner:**

Vincent Martiniano

**For the Respondent:**

None

**STATEMENT OF CHARGES**

Essentially, the Statement of Charges charges the Respondent with conduct evidencing moral unfitness, physical contact of a sexual nature and wilful physical abuse. The Charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part hereof.

**FINDINGS OF FACT**

Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All hearing Committee findings were unanimous unless otherwise specified.

**FINDINGS**

1. The Respondent is a physician duly licensed to practice medicine in the State of New York under license number 164006 issued by the State Education Department. (Pet's Ex. 1)

2. By information dated March 15, 1991, the Respondent was charged in Cass County, North Dakota with "SEXUAL EXPLOITATION BY THERAPIST in violation of Section 12.1-20-06.1 North Dakota Criminal Code in that the defendant, a psychiatrist, holding himself out to be a therapist, during treatment, consultation, interview, or examination, intentionally touched the sexual or other intimate parts of a patient or client for the purpose of arousing or satisfying sexual or aggressive desire, to wit, that during May 1990, the Defendant Jurji Wadi Dides, then an adolescent psychiatrist, and during a treatment, consultation, interview, or examination, intentionally touched, caressed, or squeezed the buttocks of a then sixteen year old male patient or client for the purpose of arousing or satisfying sexual or aggressive desires." (Petitioner's Ex. 4, pgs. 3-4).

3. On May 8, 1991, in the District Court, Cass County, State of North Dakota, the Respondent, pursuant to a plea agreement, pled guilty to the charge of Sexual Exploitation by a Therapist, a Class C Felony.

The Respondent was sentenced to be imprisoned in the North Dakota State Penitentiary for a period of three years. The execution of all of the imprisonment was suspended for a period of three years and the Respondent was placed under supervised probation subject to the supervision, management and control of the Board of Pardons.

The Respondent was represented by counsel at the time (Pet's Ex. 3, pg. 1, Pet's Ex. 4, pgs. 1, 9-11, 24-25).

4. By Order dated December 13, 1991, the Board of Medical Examiners of the State of North Dakota unconditionally revoked the Respondent's license to practice medicine in the State of North Dakota based on the Respondent's plea of "Guilty" to a charge of "Sexual Exploitation by a Therapist" in violation of Sec. 12.1-20-06.1, NDCC (Pet's Ex. 5).

#### **CONCLUSIONS**

The Respondent pled guilty to the charge of Sexual Exploitation by a Therapist, a Class C Felony in the District Court, Cass County, North Dakota. He was sentenced to three years imprisonment, prison sentence suspended, and he was placed under supervised probation.

The Board of Medical Examiners of the State of North Dakota "unconditionally revoked" the Respondent's license to practice medicine in the State of North Dakota based on his plea of "Guilty" to the charge of "Sexual Exploitation by a Therapist".

The Hearing Committee concludes that the underlying facts for the charge of "Sexual Exploitation by a Therapist" against the Respondent, i.e., that during a treatment, consultation, interview or examination, the Respondent intentionally touched, caressed, or squeezed the buttocks of a then sixteen year old male patient or client for the

purpose of arousing or satisfying sexual or aggressive desires, constitutes conduct evidencing moral unfitness, physical contact of a sexual nature and wilful physical abuse.

#### **VOTE OF THE HEARING COMMITTEE**

(All votes were unanimous unless otherwise specified)

**FIRST SPECIFICATION:** Conduct evidencing moral unfitness  
**SUSTAINED** as to the charges specified in paragraph A

**SECOND SPECIFICATION:** Physical contact of a sexual nature  
**SUSTAINED** as to the charges specified in paragraph A

**THIRD SPECIFICATION:** Wilful physical abuse  
**SUSTAINED** as to the charges specified in paragraph A

#### **DETERMINATION**

The Hearing Committee has considered the full spectrum of available penalties, including revocation, suspension, probation, censure and reprimand or the imposition of civil penalties not exceed \$10,000 per violation.

In a prior case on this matter before the Board of Medical Examiners, State of North Dakota, the parties stipulated;

1. Respondent will not contest that he was found guilty of the offenses of sexual exploitation by a therapist in violation of NDCC Section 12.1-20-06.1.

2. The matter of the complaint brought by the Commission on Medical Competency can be decided directly by

the Board of Medical Examiners, without a hearing before an Examiner.

(Pet.'s Ex. 5).

The Hearing Committee did not vote to sustain the charges against the Respondent simply on the basis of the Respondent's failure to appear, but because the credible evidence presented by the Petitioner raised the legal presumption of the truth of these facts. In short, the Petitioner proved its case by a preponderance of the evidence, and said evidence was not contradicted.

The Hearing Committee has sustained the Charges of 1) conduct evidencing moral unfitness, 2) physical contact of a sexual nature and 3) wilful physical abuse against the Respondent.

The Hearing Committee determines that **REVOCATION** is the only appropriate penalty for each and every charge.

**ORDER**

**ORDERED**, that the Respondent's license to practice medicine in the State of New York is **REVOKED**.

**DATED: Newburgh, New York**

December 3, 1992



**STANLEY L. GROSSMAN, M.D.**  
**Chairman**

**DENISE M. BOLAN, R.P.A.**  
**S. MOUCHLY SMALL, M.D.**

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JURJI DIDES, M.D. : CHARGES

-----X

JURJI DIDES, M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1985, by the issuance of license number 164006 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last known address is 515 E. Grant Street, #801, Minneapolis, Minnesota 55404.

FACTUAL ALLEGATIONS

A. Respondent, a psychiatrist, during a treatment, consultation, interview, or examination, intentionally touched the sexual or other intimate parts of a patient or client for the purpose of arousing or satisfying sexual or aggressive desires, in that during May 1990, Respondent, then an adolescent psychiatrist, during a treatment, consultation, interview, or examination intentionally touched, caressed or squeezed the buttocks of a then sixteen (16) year old male patient or client

for the purpose of arousing or satisfying sexual or aggressive desires. Respondent committed said conduct in Cass County, North Dakota.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CONDUCT EVIDENCING MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR §29.1(b)(5)] by reason of his conduct in the practice of the medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

1. The facts in Paragraph A.

SECOND SPECIFICATION

PHYSICAL CONTACT OF A SEXUAL NATURE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(44) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR §29.4(a)(5)] by reason of his, in the practice of psychiatry, having engaged in physical

contact of a sexual nature with a patient, in that Petitioner charges:

2. The facts in Paragraph A.

THIRD SPECIFICATION

WILLFUL PHYSICAL ABUSE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(31) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR §29.2(a)(2)] by reason of his having willfully physically abused a patient, in that Petitioner charges:

3. The facts in Paragraph A.

DATED: Albany, New York  
*October 9, 1992*

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