

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK ALBANY, N.Y. 12234

RECEIVED

June 11 1991

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Colin Bailey, Physician
44 Butler Place
Apt. 3J
Brooklyn, N.Y. 11238

95 Horatio Street
New York, N.Y. 10014

Re: License No. 173281

Dear Dr. Bailey:

Enclosed please find Commissioner's Order No. 12022. This Order goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. Your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you may, pursuant to Rule 24.7 (b) of the Rules of the Board of Regents, a copy of which is attached, apply for restoration of your license after one year has elapsed from the effective date of the Order and the penalty; but said application is not granted automatically.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

GUSTAVE MARTINE
Supervisor

DJK/GM/er

CERTIFIED MAIL - RRR

cc: Robert Asher, Esq.
110 E. 42nd Street
New York, N.Y. 10017

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

IN THE MATTER

OF

COLIN BAILEY, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

COLIN BAILEY, M.D., being duly sworn, deposes and says:

On or about December 18, 1987, I was licensed to practice as a physician in the State of New York having been issued License No. 173281 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1 through December 31, 1992 from 44 Butler Place, Apt. 3J, Brooklyn, N.Y. 11238

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

I am applying to the Board of Regents for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the: First and Second Specifications of Gross Negligence; Third Specification of

Negligence on More than One Occasion; Fourth Specification of Gross Incompetence; Fifth Specification of Fraud; Sixth Specification of Drug Dependence; and, the Seventh Specification of Maintaining Inaccurate Records.

I hereby make this application to the Board of Regents and request that it be granted.

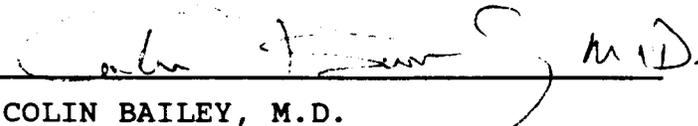
I understand that, in the event that the application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be

issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


COLIN BAILEY, M.D.
Respondent

Sworn to before me this
7th day of APRIL, 1991


NOTARY PUBLIC

ROBERT S. ASHER
Notary Public, State of New York
No. 03-5116030
Qualified in Bronx County
Commission Expires March 30, 1992

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

IN THE MATTER

OF

COLIN BAILEY, M.D.

: APPLICATION TO

: SURRENDER

: LICENSE

The undersigned agree to the attached application of the
Respondent to surrender license.

Date: 4/9, 1991

Colin Bailey M.D.
COLIN BAILEY, M.D.
Respondent

Date: April 9, 1991

Robert Asher
Robert Asher
Attorney for Respondent

Date: April 24, 1991

Oliver M. Jacob
MEMBER, State Board for
Professional Medical Conduct

Date: April 19, 1991

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

COLIN BAILEY, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

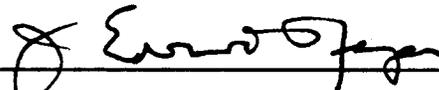
Date: 4/19, 1991



ALFRED GELLHORN, M.D.
Director of Medical Affairs
New York State
Department of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: May 3, 1991



MEMBER OF THE BOARD OF REGENTS

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

-----X

IN THE MATTER : STATEMENT
OF : OF
COLIN BAILEY, M.D. : CHARGES

-----X

COLIN BAILEY, M.D., the Respondent, was authorized to practice medicine in New York State on December 18, 1987 by the issuance of license number 173281 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through 1992, from 44 Butler Pl., Apt. 3J, Brooklyn, N.Y. 11238.

FACTUAL ALLEGATIONS

- A. On or about December 28, 1990, Patient A, (the patients' identities are contained in the attached appendix) a 5 foot 5 inch woman weighing approximately 250 pounds, went to Multi-Purpose Women's Center, (Multi-Purpose) 165 Willoughby Street, Brooklyn, N.Y., for a late second trimester abortion. On that date blood was drawn and a sonogram was performed on Patient A. She was told to

EXHIBIT "A"

return for insertion of the laminaria after the sonogram and blood results were available.

At or about 11:30 a.m. on January 6, 1991, at Multi-Purpose, Respondent began the abortion on Patient A. Sometime thereafter, the abortion procedure was terminated because the Respondent thought he had not removed the fetal head, and that he may have perforated the uterus. Respondent moved Patient A to the recovery room. According to Respondent's notes in Patient A's chart, by at or about 1:30 p.m., Patient A was having trouble breathing and her skin was moist. At or about 1:50 p.m. a private ambulance was called to take Patient A to the hospital.

The ambulance arrived at Multi-Purpose at or about 2:10 p.m. Patient A was transferred to Brooklyn Hospital, DeKalb Avenue, Brooklyn, N.Y. She arrived at the hospital at or about 2:28 p.m. At that time her pulse was 120 and her blood pressure was 64/32. She was taken to the operating room where the surgical team found that Patient A had lost 3,000 ml. of blood, 1,800 ml. of which was found intraperitoneally. The surgeons repaired the vaginal lacerations, performed a laparotomy, a total hysterectomy, and a left salpingo-oophorectomy.

1. Respondent performed a late second trimester abortion under heavy sedation on Patient A, a very obese woman, in an outpatient facility without sufficient monitoring and/ or resuscitative equipment.
2. Respondent failed to obtain and/or document in Patient A's chart a sufficient medical history of Patient A prior to performing a late second trimester abortion on Patient A.
3. Respondent failed to obtain or review the results of a hematocrit or hemoglobin and a urinalysis or urine dipstick prior to performing a late second trimester abortion under heavy sedation on Patient A.
4. During the course of Patient A's abortion, Respondent crushed and removed the fetal head and failed to be aware or to acknowledge that he had removed the head.
5. During the course of Patient A's abortion, Respondent lacerated the patient's uterus, cervix and both sides of her vagina.

6. Respondent failed to immediately transfer the patient to the hospital given Patient A's condition when he terminated the abortion.
7. Respondent failed to maintain an IV line for fluids and medications, such as oxytocics, once he thought that either he had perforated the uterus or had failed to remove all of the fetal parts.
8. Respondent inappropriately prevented the Emergency Medical Technician (EMT) from examining Patient A and/or taking her vital signs.
9. Respondent knowingly made the following false notations in Patient A chart:
 - a. Respondent noted that Patient A's HCT was 32% and the HG was 11.4%.
 - b. Respondent noted that the operation began at about 1:30 p.m.
 - c. Respondent noted that he failed to remove the fetal head.
 - d. Respondent noted that there was minimal blood loss during the operation.
 - e. Respondent noted that at about 1:50 p.m. Patient A's blood pressure was 100/70.

- B. At or about 10:30 a.m. on or about August 10, 1988, Respondent, with the assistance of a certified registered nurse anesthetist, performed an early second trimester abortion under heavy sedation on Patient B at Center for Reproductive and Sexual Health (CRASH), N.Y., N.Y. At or about 10:45 a.m. Patient B suffered a cardiac arrest. During Respondent's unsuccessful attempt to resuscitate Patient B, he learned that the only EKG machine at CRASH was missing electrodes. There were no pulse oximeters at CRASH. The EKG machine was not repaired that day or any day thereafter, nor were any pulse oximeters obtained.
1. From on or about 12:30 p.m. through 6:00 p.m. on August 10, 1988, Respondent performed ten abortions on Patients C through L. He continued to perform abortions at CRASH, on patients whose identities are unknown to the N.Y.S. Department of Health, until at least on or about August 29, 1988, with the knowledge that adequate monitoring equipment was not available.
- C. On or about August 8, 1990, on the basis of his history and practice of cocaine abuse, Respondent entered into a voluntary agreement with the N.Y.S. Department of Health, Bureau of Professional Medical Conduct. In this agreement he agreed to remain drug free and to have his urine randomly tested. The incidents of cocaine abuse, occurring prior and

subsequent to the date of the agreement, include, but are not limited to:

1. On or about September 6, 1989, Respondent had a pre-employment physical examination at Metropolitan Hospital, N.Y., N.Y. As part of that physical a urine specimen was taken from the Respondent. Respondent's urine specimen tested positive for cocaine. On or about September 15, 1989, Respondent was suspended from Metropolitan Hospital.
2. Respondent used cocaine the weekend following his suspension and at least once six months subsequent to his suspension from Metropolitan Hospital.
3. On or about January 7, 1991, Respondent's urine was tested and it was positive for cocaine.
4. On or about January 15, 1991, Respondent's urine was again tested and it was again positive for cocaine.

SPECIFICATION OF CHARGES

FIRST THROUGH SECOND SPECIFICATIONS

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with gross negligence within the meaning of N.Y. Educ. Law section 6509(2) (McKinney 1985) in that Petitioner charges:

1. The facts in paragraphs A, A 1 through A 9 and A9(a) through (e).
2. The facts in paragraphs B and B 1.

THIRD SPECIFICATION

NEGLECT ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with negligence on more than one occasion within the meaning of N.Y. Educ. Law Section 6509(2) (McKinney 1985) in that Petitioner charges that Respondent committed two or more of the following:

3. The facts in paragraphs A, A 1 through A 9(a) through (e) and B and B1.

FOURTH SPECIFICATION

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with gross incompetence within the meaning of N.Y. Educ. Law section 6509(2) (McKinney 1985), in that the Petitioner charges:

4. The facts in paragraphs A, A 1 through A 9 and A 9(a) through (e).

FIFTH SPECIFICATION

FRAUD

Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges the following:

5. The facts in paragraphs A, A9 and A9(a) through (e).

SIXTH SPECIFICATION

DRUG DEPENDENCE

Respondent is charged with professional misconduct by reason of being dependent on cocaine within the meaning of N.Y. Educ. Law section 6509 (4) (McKinney 1985) in that Petitioner charges:

6. The facts in Paragraphs C and C 1 through C 4.

SEVENTH SPECIFICATION

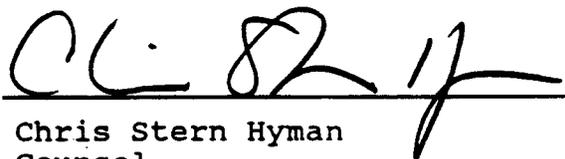
INACCURATE RECORDS

Respondent is charged with committing unprofessional conduct within the meaning of 8 N.Y.C.R.R. 29.2(a)(3) (1989) by failing to maintain a record for Patient A which accurately reflects the evaluation and treatment of that Patient, in that Petitioner charges:

7. The facts in Paragraphs A, A 9 and A9(a) through (e).

DATED: New York, New York

April 2, 1991



Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

COLIN BAILEY

CALENDAR NO. 12022



The University of the State of New York

IN THE MATTER

OF

COLIN BAILEY
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 12022

Upon the application of COLIN BAILEY, under Calendar No. 12022, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (May 24, 1991): That the application of COLIN BAILEY, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

COLIN BAILEY (12022)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 31st day of
May, 1991.

Thomas Sobol
Commissioner of Education