



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

September 25, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ann Gayle, Esq.
NYS Department of Health
5 Penn Plaza-Sixth Floor
New York, New York 10001

Ramon T. Bobila, M.D.
1601 Whitehorse-Mercerville Road
Hamilton, New Jersey 08619

T. Lawrence Tabak, Esq.
Kern, Augustine, Conroy & Schoppman, P.C.
420 Lakeville Road
Lake Success, New York 11042

RE: In the Matter of Ramon T. Bobila, M.D.

EFFECTIVE DATE 10/02/96

Dear Ms. Gayle, Dr. Bobila and Mr. Tabak:

Enclosed please find the Determination and Order (No. 96-224) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

Office of Professional Medical Conduct
New York State Department of Health
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 then 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), "the 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.

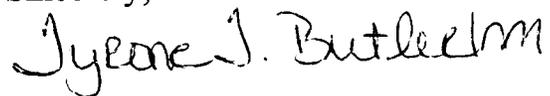
The notice of review served on the Administrative Review Board should be forwarded to:

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

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

COPY

**IN THE MATTER
OF
RAMON T. BOBILA, M.D.**

DETERMINATION

AND

ORDER

BPMC-96- 224

A Notice of Hearing and Statement of Charges, both dated May 6, 1996, were served upon the Respondent, **RAMON T. BOBILA, M.D.** **STANLEY GROSSMAN, M.D.**, (Chair), **FRANK E. IAQUINTA, M.D.** and **VICTOR B. MARROW** , duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(100)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on August 6, 1996. The Department of Health appeared by **HENRY M. GREENBERG, GENERAL COUNSEL**, by **ANN GAYLE, ESQ.**, Associate Attorney, of Counsel. The Respondent appeared by **KERN, AUGUSTINE, CONROY & SCHOPPMAN, P.C.**, by **T. LAWRENCE TABAK, ESQ.**, of Counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

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

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education

Law Section 6530 (9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9) (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. 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.

1. Respondent was authorized to practice medicine in New York State on October 5, 1984, by the issuance of license number 160516 by the New York State Education Department. (Pet. Ex. #2)
2. On or about September 12, 1994, the State of New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Board of Medical Examiners ("Board") charged Respondent with three counts of misconduct pursuant, inter alia, to N.J.S.A. 45:1-21(b) [the licensee] has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, N.J.S.A. 45:1-21(c) [the licensee] has engaged in gross negligence, gross malpractice or gross incompetence, N.J.S.A. 45:1-21(d) [the licensee] has engaged in repeated acts of negligence, malpractice or incompetence

based on allegations that he fondled and/or caressed a twenty year old female patient's breasts and a sixteen year old female patient's breasts.

3. As a result of the aforesaid pending charges, on or about August 2, 1995, the New Jersey Board reprimanded Respondent for his failure to sufficiently communicate the purpose, nature and extent of breast examinations conducted upon two patients. Respondent was also placed on probation for two years during which time he was required to have a female chaperon present when examining female patients. Respondent was further ordered to take the PROBE ethics course, pay a fine of Five Thousand Dollars (\$5,000) and pay the costs of investigation in the amount of Two Thousand Sixty Seven Dollars and Eighty Nine Cents (\$2,067.89).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was reprimanded by the New Jersey Board of Medical Examiners with respect to breast examinations performed upon two patients. Respondent was placed on probation for two years and required to have a female chaperon present during exams, in addition to other sanctions. Section 6530(9)(d) defines professional misconduct as having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action, would if committed in New York State, constitute professional misconduct under the laws of New York state.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York state shall be suspended for a two (2) years following the effective date of this Determination and Order. The suspension shall be stayed in its entirety and Respondent shall be placed on probation. The period of suspension and probation shall be tolled until such time as the Director of the Office of Professional Medical Conduct is advised, in writing, that Respondent has commenced a medical practice in New York state. The complete terms of probation are attached to this Determination and Order in Appendix II. The Hearing Committee further determined that Respondent shall be permanently required to have a female chaperon present during the examination of all female patients. This determination was reached upon due consideration of the full spectrum for penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent testified at the hearing that he now has a female chaperon present when he examines female patients. (T. 25) He further offered proof of successful completion of the PROBE Course as required by the New Jersey Board. (Resp. Ex. B) Although Respondent has demonstrated his willingness to comply with some of the terms of his New Jersey probation, the Hearing Committee has an obligation to ensure that Respondent will conduct all future physical examinations in an appropriate manner should he decide to practice in New York state. Respondent's CV indicates that he has been trained as well as employed in New York state in the past and he may have incentive to return here. (Resp. Ex. A) Therefore, permanent requirement of a female chaperon during all examinations of female patients and a two (2) year stayed suspension with general probation are the appropriate sanctions in this instance.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**.

2. Respondent shall be **PERMANENTLY** required to have a female chaperon, who is a licensed health care practitioner, present during the examination of all female patients.

3. Respondent's license to practice medicine in New York state is **SUSPENDED** for a period of two (2) years, said suspension to be **STAYED**.

4. Respondent's license shall be placed on **PROBATION** during the period of suspension, and he shall comply with all Terms of Probation as set forth in Appendix II, attached hereto and made a part of this Order.

5. The periods of suspension and probation shall be tolled until such time as the Director of the Office of Professional Medical Conduct is advised, in accordance with the Terms of Probation, of the fact that he has commenced a medical practice in New York state.

Dated: ~~New York~~ New York
September 24, 1996



STANLEY GROSSMAN, M.D. (Chair)

**FRANK E. IAQUINTA, M.D.
VICTOR B. MARROW**

TO: Ann Gayle, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

Ramon T. Bobila, M.D.
1601 Whitehorse - Mercerville Road
Hamilton, NJ 08619

T. Lawrence Tabak, Esq.
Kern, Augustine, Conroy & Schoppman, P.C.
420 Lakeville Road
Lake Success, New York 11042

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

IN THE MATTER
OF
RAMON T. BOBILA, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: Ramon T. Bobila, M.D.
1601 Whitehorse-Mercerville Road
Suite #4
Hamilton, NJ 08619



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on June 19, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any

witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the

administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
May 6, 1996



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Ann Gayle
Associate Counsel
NYS Department of Health
Division of Legal Affairs
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2615

IN THE MATTER
OF
RAMON T. BOBILA, M.D.

STATEMENT
OF
CHARGES

Ramon T. Bobila, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 5, 1984, by the issuance of license number 160516 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 12, 1994, the State of New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Board of Medical Examiners ("Board") charged Respondent with three counts of misconduct pursuant, *inter alia*, to N.J.S.A. 45:1-21(b) [the licensee] has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, N.J.S.A. 45:1-21(c) [the licensee] has engaged in gross negligence, gross malpractice or gross incompetence, N.J.S.A. 45:1-21(d) [the licensee] has engaged in repeated acts of negligence, malpractice or incompetence based on allegations that he fondled and/or caressed a twenty year old female patient's breasts and a sixteen year old female patient's breasts.

On or about August 2, 1995, while the aforesaid charges were pending, Respondent was disciplined, in a Consent Order, *inter alia*, as follows: he was reprimanded, he was placed on probation for a two year period with the terms that he must have a chaperon present whenever he examines female patients, and he was ordered to take the ProBE ethics course, pay a fine of

\$5000, and pay the costs of investigation of approximately \$2,000.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1996) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(2), (3), (4), (5), and (6)) as alleged in the facts of the following:

1. Paragraph A.

DATED: May 6, 1996
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

APPENDIX II
TERMS AND CONDITIONS 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 imposed by law and by his profession.

2. Respondent shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.

3. Respondent shall submit prompt (within 20 days) written notification to the Board, addressed to the Director, office of Professional Medical conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237, regarding any change in employment, practice, residence or telephone number, within or without New York State.

4. In the event that Respondent leaves New York to reside or practice outside the State, Respondent shall notify the Director of the Office of Professional Medical Conduct ("OPMC") in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure and return. Periods of residency or practice outside New York State shall toll the probationary period, which shall be extended by the length of residency or practice outside New York State.

5. Respondent shall have quarterly meetings with an employee or designee of the OPMC during the period of probation. During these quarterly meetings Respondent's professional performance may be reviewed by having a random selection of office records, patient records and hospital charts reviewed.

6. Respondent shall have quarterly meetings with a monitoring physician who shall review Respondent's practice. This monitoring physician shall review randomly selected medical records and evaluate whether Respondent's practice correspond with generally accepted standards of medical practice. This monitoring physician shall be selected by Respondent and is subject to the approval of the Director of the OPMC. Respondent shall not practice medicine as a physician until an acceptable monitoring physician is approved by the Director.

7. Respondent shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all terms and conditions of probation and, if not, the specifics of such non-compliance. These shall be sent to the Director of the OPMC at the address indicated above.

8. Respondent shall submit written proof to the Director of the OPMC at the address indicated above that he has paid all registration fees due and is currently registered to practice medicine as a physician with the New York State Education Department. If Respondent elects not to practice medicine as a physician in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact.

9. If there is full compliance with every term and condition set forth herein, Respondent may practice as a physician in New York State in accordance with these terms of probation the Determination and Order of the Board for professional Medical Conduct; provided, however, that on receipt of evidence of non-compliance or any other violation of the term(s) and condition(s) of probation, a violation of probation proceeding and/or such other proceeding as may be warranted, may be initiated against Respondent pursuant to New York Public Health Law §230 or §230(19) or any other applicable laws.

10. Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected) to verify compliance with the term(s) and condition(s) of probation and accepted standards of medical practice.

11. Monitoring of status conditions may include, but is not limited to, licensee cooperation in providing releases permitting unrestricted access to records and other information, to the extent permitted by law, from any treatment facility, treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of Respondent, or maintained by a rehabilitation program for impaired licensees. If bodily substance monitoring has been ordered, the licensee shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

AFFIDAVIT OF PERSONAL SERVICE

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

IN THE MATTER OF RAMON T. BOBILA, M.D.

STATE OF NEW JERSEY
COUNTY OF SOMERSET

CHARLES DEECK

, being duly sworn, deposes and says,
that he served the annexed NOTICE OF REFERRAL PROCEEDING, STATEMENT OF CHARGES
LETTER & ATTACHMENTS
in the above entitled action or proceeding upon

RAMON T. BOBILA, M.D., the person named therein as defendant/respondent
at 1601 WHITEHORSE-MERCERVILLE ROAD, SUITE 4a, MAY 20 1996
at AM 12:01 PM, TRENTON, NEW JERSEY, by personally delivering to and leaving with said
RAMON T. BOBILA, M.D.

a true copy thereof, and that he knew
the person so served to be the person mentioned and described in said NOTICE
OF REFERRAL PROCEEDING, STATEMENT OF CHARGES, LETTER & ATTACHMENTS

Description of person served:

Approximate age: 36 Weight: 175
Height: 5'7" Sex: M Color of skin ARABIC
Color of Hair: BROWN Other: _____

Charles K. Deeck

Please print name below signature
CHARLES DEECK

Sworn to before me this 21
day of MAY 1996



NOTARY PUBLIC

MARY L. HUDDY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 9, 1999

ALEXANDER POOLE & CO., INC.
11 N. PEARL ST., P.O. BOX 59
ALBANY, N. Y. 12201