

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

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IN THE MATTER :  
OF : ORDER  
JEAN CLAUDE DEMETRIUS, M.D. : BPMC 93-66

-----X

Upon the application of JEAN CLAUDE DEMETRIUS, M.D.,  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

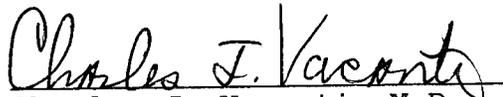
ORDERED, that the application and the provisions thereof  
are hereby adopted and so ORDERED, and it is further

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.

SO ORDERED,

DATED:

27 April 1993



Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I admit guilt to each of the Twelve Specifications of Charges of Professional Misconduct as they apply to the Factual Allegations of the care and treatment of Patients A, B, C, D and E and to all of the facts alleged therein.

I hereby agree to the penalty of a suspension of my license to practice medicine for a period of two years, said suspension to be stayed, a civil penalty of Twenty Thousand Dollars (\$20,000) to be paid in a manner acceptable to the Director of the Office of Professional Medical Conduct and that I shall further be placed on probation during the period of such suspension under the terms set forth in Exhibit B, hereto attached.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

  
JEAN CLAUDE DEMETRIUS, M.D.  
RESPONDENT

Sworn to before me this  
14 day of April, 1993

  
NOTARY PUBLIC

LENORA W. LONG  
Notary Public, State of New York  
No. 01 LO-4726251  
Qualified in Nassau County  
Commission Expires March 31, 1995

Feb. 28, 1995

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

-----X  
: APPLICATION  
IN THE MATTER :  
: FOR  
OF :  
: CONSENT  
JEAN CLAUDE DEMETRIUS, M.D. :  
: ORDER  
-----X

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

Date:

4/14/93

  
\_\_\_\_\_  
JEAN CLAUDE DEMETRIUS, M.D.  
RESPONDENT

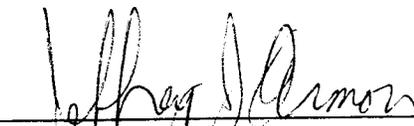
Date:

4/14/93

~~Jacobson & Goldberg by ATK~~  
AMY T. KULB, ESQ.  
ATTORNEY FOR RESPONDENT

Date:

4/21/93

  
\_\_\_\_\_  
JEFFREY J. ARMON  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: April 28, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 27 April 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "B"

TERMS OF PROBATION

1. That Respondent, during the period of probation, 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. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law;
  
7. Respondent shall make quarterly visits, as requested, to an employee of the NYSDOH, designated by the Director of the Office of Professional Medical Conduct, to be interviewed regarding his compliance with the terms and conditions of his probation.

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
JEAN CLAUDE DEMETRIUS, M.D. : CHARGES  
-----X

JEAN CLAUDE DEMETRIUS, M.D., the Respondent, was authorized to practice medicine in New York State on March 26, 1984 by the issuance of license number 157714 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 December 31, 1992 from 78 Lincoln Road, Hempstead, New York 11550.

FACTUAL ALLEGATIONS

A. In or about October, 1986, Respondent treated Patient A, a 29 year old male substance abuser, for a painful left foot at his medical offices at 1690 Lexington Avenue, New York, New York (all patients are identified in the Appendix).

1. Respondent failed to obtain and record an adequate history of the patient.
2. Respondent failed to perform and record an adequate physical examination of the patient.

3. Respondent determined that the patient had an ulcer in the dorsal aspect of his left foot, but failed to order, perform or record the results of appropriate tests and procedures.
4. Respondent inappropriately performed, or caused to be performed, electrocardiogram, spirometry and sonogram tests upon Patient A. Respondent failed to record any condition which indicated the need for such tests and, in fact, these tests were not warranted by the condition of the patient.
5. Respondent caused to be performed extensive blood chemistry tests on Patient A, the results of which suggested several abnormalities. Respondent failed to appropriately follow-up these test results and did not note the implications of any of these abnormal blood test results.

B. In or about November, 1986, Respondent treated Patient B, a 30 year old male substance abuser, for a stomach ache at his medical offices at 1690 Lexington Avenue, New York, New York.

1. Respondent failed to obtain and record an adequate history of the patient.
2. Respondent failed to perform and record an adequate physical examination of the patient.
3. Patient B was diagnosed by Respondent as having arthritis for which was prescribed Naprosyn, a non-steroidal anti-inflammatory drug known to be a gastrointestinal irritant. Respondent failed to recognize the danger such drug presented to Patient B, who was noted to have a history of a duodenal ulcer.
4. Respondent inappropriately performed, or caused to be performed, electrocardiogram, spirometry and sonogram tests upon Patient B. Respondent failed to record any condition which indicated the need for such tests and, in fact, these tests were not warranted by the condition of the patient.

C. In or about November, 1986, Respondent treated Patient C, a 41 year old male, on two separate occasions for back pain and arthritis at his medical offices at 1690 Lexington Avenue, New York, New York.

1. Respondent failed to obtain and record an adequate history of the patient.
2. Respondent failed to perform and record an adequate physical examination of the patient.
3. Respondent inappropriately performed, or caused to be performed, electrocardiogram, spirometry and sonogram tests upon Patient C. Respondent failed to record any condition which indicated the need for such tests and, in fact, these tests were not warranted by the condition of the patient.
4. Respondent caused to be performed extensive blood chemistry tests on Patient C, the results of which suggested several abnormalities. Respondent failed to appropriately follow-up these test results and did not note the implications of any of these abnormal blood test results.

D. In or about November, 1986, Respondent treated Patient D, a 31 year old male substance abuser, for back pain at his medical offices at 1690 Lexington Avenue, New York, New York.

1. Respondent failed to obtain and record an adequate history of the patient.
2. Respondent failed to perform and record an adequate physical examination of the patient.
3. Respondent diagnosed Patient D as having "L.S.", asthma and a cold with no medical evidence recorded to provide a basis for these conclusions. The antibiotic Ceclor was prescribed with no medical indication noted.

4. Respondent inappropriately performed, or caused to be performed, electrocardiogram, spirometry and sonogram tests upon Patient D. Respondent failed to record any condition which indicated the need for such tests and, in fact, these tests were not warranted by the condition of the patient.

E. In or about November, 1986, Respondent treated Patient E, a 50 year old male substance abuser, for insomnia and nervousness at his medical offices at 1690 Lexington Avenue, New York, New York.

1. Respondent failed to perform and record an adequate history of the patient.
2. Respondent failed to perform and record an adequate physical examination of the patient.
3. Respondent diagnosed Patient E as having arthritis and bronchitis with no medical evidence recorded to provide a basis for these conclusions. Respondent prescribed Ampicillin with no medical indication noted.
4. Respondent inappropriately performed, or caused to be performed, electrocardiogram, spirometry and sonogram tests upon Patient E. Respondent failed to record any condition which indicated the need for such tests and, in fact, these tests were not warranted by the condition of the patient.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON  
MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1992), formerly N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges that Respondent committed at least two of the following:

1. The facts contained in Paragraphs A and A.1, A.2, A.3, A.4 and/or A.5; B and B.1, B.2, B.3 and/or B.4; C and C.1, C.2, C.3 and/or C.4; D and D.1, D.2, D.3 and/or D.4; and/or E and E.1, E.2, E.3 and/or E.4.

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON  
MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1992), formerly N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges that Respondent committed at least two of the following:

2. The facts contained in Paragraphs A and A.1, A.2, A.3, A.4 and/or A.5; B and B.1, B.2, B.3 and/or B.4; C and C.1, C.2, C.3 and/or C.4; D and D.1, D.2, D.3 and/or D.4; and/or E and E.1, E.2, E.3, E.4 and/or E.5.

THIRD THROUGH SEVENTH SPECIFICATIONS

EXCESSIVE TESTS

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(35) (McKinney Supp. 1992), formerly Section 6509(9) (McKinney 1985) and 8 N.Y.C.R.R. 29.2(a)(7) (1989), in that he ordered excessive tests, treatment or use of treatment facilities not warranted by the condition of the patient. Petitioner specifically charges:

3. The facts in Paragraphs A and A.4.
4. The facts in Paragraphs B and B.4.
5. The facts in Paragraphs C and C.4.
6. The facts in Paragraphs D and D.4.
7. The facts in Paragraphs E and E.4.

EIGHTH THROUGH TWELFTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6532(32) (McKinney Supp. 1992), formerly Section 6509(9) (McKinney 1985) and 8 N.Y.C.R.R. 29.2(a)(3) (1989) in that he failed to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient. Specifically Petitioner charges:

8. The facts in Paragraphs A and A.1, A.2, A.3, A.4 and/or A.5.

9. The facts in Paragraphs B and B.1, B.2, B.3 and/or B.4.
10. The facts in Paragraphs C and C.1, C.2, C.3 and/or C.4.
11. The facts in Paragraphs D and D.1, D.2, D.3 and/or D.4.
12. The facts in Paragraphs E and E.1, E.2, E.3 and/or E.4.

DATED: Albany, New York

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