



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Public

May 8, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jeffrey A. Haas, D.O.
c/o Laughlin
150 Ellis Road
Blountsville, Tennessee 37617

Jeffrey A. Haas, D.O.
1621 East Andrew Johnson Highway
Morristown, Tennessee 37813

Jeffrey A. Haas, D.O.
3280 Naomi Drive
Morristown, Tennessee 37814

Robert Bogan, Esq.
NYS Department of Health
Office of Professional
Medical Conduct
433 River Street, Suite 303
Troy, New York 12180-2299

Jeffrey A. Haas, D.O.
1701 East Andrew Johnson Highway
Morristown, Tennessee 37814

Jeffrey A. Haas, D.O.
1530 West Andrew Johnson Highway
Morristown, Tennessee 37814

RE: In the Matter of Jeffrey A. Haas, D.O.

Dear Parties:

Enclosed please find the **corrected** Determination and Order (No. 07-107) 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 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 penalties other than suspension or revocation 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.

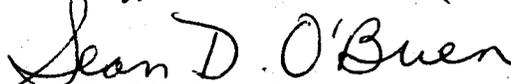
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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,


Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah

Enclosure

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

IN THE MATTER

OF

**JEFFREY A. HAAS, D.O.
Respondent**

DETERMINATION

AND

ORDER

BPMC #07-107

COPY

A hearing was held on April 19, 2007 at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated March 8, 2007 were served upon the Respondent, **Jeffrey A. Haas, D.O.** Pursuant to Section 230(10)(e) of the Public Health Law, **Steven V. Grabiec M.D. Chairperson, Jerry Waisman M.D., and Mary Patricia Meagher, R.N.,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Kimberly A. O'Brien, Esq.,** Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.,** General Counsel, by **Robert Bogan, Esq.,** of Counsel. The Respondent did not appear in person or by a representative.

Evidence was received 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 when 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 State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(3), (4), (9)(b)&(d), and (32). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to 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.

1. Jeffrey A. Haas, the Respondent, was authorized to practice medicine in New York State on November 3, 1995, by the issuance of license number 201238 by the New York State Education Department (Petitioner's Ex. 5).

2. On August 17, 2006, The State of Tennessee, Department of Health, The Board of Osteopathic Examiners (hereinafter Tennessee Board), issued an Order (hereinafter Tennessee

Order) suspending the Respondent's license to practice medicine for "no less than three months" and the lifting of the suspension is conditioned upon Respondent submitting to an evaluation, successful completion of all recommended course work, and written verification by an authorized evaluator that the Respondent is fit to practice medicine. The Respondent's Drug Enforcement Administration Certificate (hereinafter DEA Certificate) was also revoked. The penalty was based on findings of negligence; patient abandonment; inadequate record keeping; inappropriate prescribing of controlled substances; and Respondent's involuntary commitment to Woodbridge Hospital which relates to his fitness to practice medicine (Petitioner's Ex. 6).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(3) - "Practicing the profession with negligence on more than one occasion"; VOTE: Sustained (3-0)
- New York Education Law Section 6530(4) - "Practicing the profession with gross negligence on a particular occasion"; VOTE: Sustained (3-0)
- New York Education Law Section 6530(32) - "Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient . . ."
VOTE: Sustained (3-0)

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized

professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state...”

VOTE: Sustained (3-0)

SECOND SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine suspended would, if committed in New York state, constitute professional misconduct under the laws of New York state...”

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the proceeding. The Administrative Law Judge ruled that the Petitioner had satisfied the service requirements for service on the Respondent of the Notice of Referral Proceeding and the Statement of Charges. The Department introduced the record of the Tennessee disciplinary proceeding that is the basis of this proceeding (Petitioner’s Ex. 6). The Tennessee Board disciplined the Respondent for multiple acts of professional misconduct occurring on separate days and involving several patients. The Tennessee Board found that the Respondent: “failed to show up for office hours when there were several patients scheduled for appointments”; closed his office and did not provide information to patients about prescriptions and/or how to obtain their medical records; and returned to practice seeing patients from his hotel room and “failed and/or neglected to perform and or [sic] document medically appropriate physical exams” prior to prescribing pain medications to at least nine patients. The Tennessee Board also found that Respondent’s “involuntary commitment to Woodbridge hospital [sic]” relates to his ability to “practice medicine safely” (Petitioner’s Ex. 6, See also Tr. 11). The Respondent’s Tennessee Medical License was immediately suspended for “no less than three months” and will be

restored only after he successfully completes courses in the areas of prescribing and record keeping, and he submits to an evaluation and is "found fit to practice medicine safely." The Tennessee Board also revoked Respondent's DEA Certificate.

The evidence from the Tennessee proceeding is sufficient to sustain that the Respondent was negligent on more than one occasion (Petitioner's Ex. 6). Therefore, the Hearing Committee has sustained the charge in the New York Statement of Charges that had these acts occurred in New York State, they would have constituted professional misconduct, negligence on more than one occasion pursuant to Education Law Section 6530 (3) (Petitioner's Ex. 1).

The New York Statement of Charges also alleged that these acts, had they occurred in New York State would have constituted professional misconduct, specifically gross negligence pursuant to Education law Section 6530(4) (Petitioner's Ex. 1). The Hearing Committee determined that in combination the Tennessee Board findings including that the Respondent closed his office without notice or directions to his patients about how they should obtain prescriptions or access to medical records, and prescribing pain medications to several patients without performing and/or documenting "medically appropriate physical exams" constitute gross negligence (Petitioner's Ex. 6).

Finally, the Tennessee Board findings show that the Respondent failed to document physical examinations and treatment of at least nine patients (Petitioner's Ex. 6). The Hearing Committee determined that had these acts occurred in New York State they would have constituted professional misconduct pursuant to Education Law Section 6530(32), "[f]ailing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient." (Petitioner's Ex. 1).

The Respondent failed to appear at the hearing and there is no evidence in the hearing record of mitigating circumstances, rehabilitation or remorse. The Respondent has been found guilty of serious acts of misconduct in Tennessee, and was involuntarily committed to Woodbridge Hospital (Tr.11 -12, See also Petitioner's Ex. 6). The Petitioner recommended that the Respondent's license

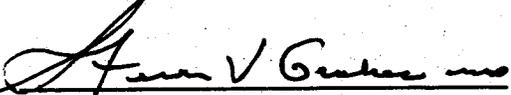
to practice medicine in New York State be revoked (Tr. 15). Based on the foregoing, the Hearing Committee has determined that Respondent's license to practice medicine should be revoked as revocation is the only sanction that will adequately protect the public.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is **REVOKED**.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Niagara Falls, New York
May 3, 2007


Steven V. Grabiec M.D. Chairperson,

Jerry Waisman M.D.
Mary Patricia Meagher, R.N.,

APPENDIX I

IN THE MATTER
OF
JEFFREY A. HAAS, D.O.
CO-06-09-4959-A

STATEMENT
OF
CHARGES

JEFFREY A. HAAS, D.O., Respondent, was authorized to practice medicine in New York state on November 3, 1995, by the issuance of license number 201238 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about August 17, 2006, the State of Tennessee, Department of Health, Board of Osteopathic Examiners, (hereinafter "Tennessee Board"), by an Order (hereinafter "Tennessee Order") (inter alia, suspended Respondent's license to practice medicine for no less than three (3) ^{months} years and revoked his DEA certificate, based on failing to show up for office hours when there were several patients scheduled for appointments; having a sign posted on his closed office door giving a telephone number to reach him which when called had a recorded message stating that he is no longer working in Tennessee and will not return; leaving patient medical records unattended from July 27, 2005 until August 8, 2005, with no instructions directing what patients should do about prescriptions, medical records or appointments; seeing patients in his hotel room and failing to and/or neglecting to perform and/or document medically appropriate physical exams prior to prescribing pain medication.

B. The conduct resulting in the Tennessee Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence); and/or
3. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

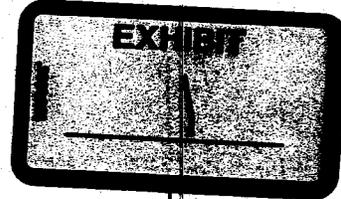
SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Mar. 8*, 2007
Albany, New York


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



IN THE MATTER
OF
JEFFREY A. HAAS, D.O.
CO-06-09-4959-A

NOTICE OF
REFERRAL
PROCEEDING

TO: JEFFREY A. HAAS, D.O.
C/O Laughlin
150 Ellis Rd.
Blountsville, TN 37617

JEFFREY A. HAAS, D.O.
1621 East Andrew Johnson Highway
Morristown, TN 37813

JEFFREY A. HAAS, D.O.
1701 East Andrew Johnson Highway
Morristown, TN 37814

JEFFREY A. HAAS, D.O.
3280 Naomi Drive
Morristown, TN 37814

JEFFREY A. HAAS, D.O.
1530 West Andrew Johnson Highway
Morristown, TN 37814

drjeffreyhaas@aol.com

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of April, 2007, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

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, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you 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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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: Albany, New York

March 8, 2007



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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828