

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

IN THE MATTER

OF

EDWARD J. ARIDA, M.D.

COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING

TO: **EDWARD J. ARIDA, M.D.**
277 Jefferson Street
Meadville, New York 16335

PUBLIC

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr.P.H., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by Edward J. Arida, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12), that effective immediately Edward J. Arida, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12).

PLEASE TAKE NOTICE, that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on February 20, 2004, at 10:00 a.m., at Four Points by Sheraton, 2040 Walden Avenue, Buffalo, New York 14225, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the

Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing 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, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
February 5, 2004



ANTONIA C. NOVELLO, M.D., M.P.H., Dr.P.H.
Commissioner
New York State Health Department

Inquiries should be directed to:

Jeffrey J. Conklin, Esq.
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
Corning Tower Building, Room 2514
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4219

SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

Licensee's Name _____ Date of Proceeding _____

Name of person to be admitted _____

Status of person to be admitted _____
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

Signature (of licensee or licensee's attorney) _____

This written notice must be sent to:

New York State Health Department
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor South
Troy, NY 12180
Fax: 518-402-0751

IN THE MATTER
OF
EDWARD J. ARIDA, M.D.

STATEMENT
OF
CHARGES

Edward J. Arida, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 24, 1991, by the issuance of license number 187408 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine, with a registration address of 277 Jefferson Street, Meadville, Pennsylvania 16335.

FACTUAL ALLEGATIONS

- A. Respondent, at various times during the period from on or about September 1987 to the present, has been a habitual abuser of alcohol and/or is dependent on alcohol.
- B. On or about September 8, 2003, Respondent signed documents requesting an appointment to the medical staff of Corning Hospital, located in Corning, New York. Respondent made fraudulent and/or inaccurate statements in that:
1. In his response to questions as to health history, Respondent answered "no" or failed to answer when asked if he ever had an addiction to alcohol. At that time, Respondent knew or had reason to know that he had an addiction to alcohol.

2. On or about September 8, 2003, in the same application to Corning Hospital referred to above, in his response to questions as to practice information, Respondent answered "no" when asked if his medical license had ever been or was currently being challenged. At that time, Respondent knew or had reason to know that his New York State medical license was being challenged.
3. On or about September 8, 2003, in the same application to Corning Hospital referred to above, in his response to questions as to health status, Respondent answered "good" when asked about his present health status. At that time, Respondent knew or had reason to know that he was abusing alcohol and/or was dependent on alcohol.
4. On or about September 8, 2003, in the same application to Corning Hospital referred to above, in his response to questions as to health status, Respondent answered "no" when asked if he had any problem with alcohol dependency. At that time, Respondent knew or had reason to know that he was alcohol dependent.
5. On or about September 4, 2003, Respondent filed a Credentialing Questionnaire with Guthrie Clinic, Ltd., located in Sayre, Pennsylvania, with knowledge that such information would be provided to Corning Hospital as part of the same application referred to above. In his response to the questionnaire, Respondent answered "no" when asked if he was currently under investigation by any licensing board or agency in any jurisdiction. At that time, Respondent knew or should have known that the Office of Professional Medical Conduct was investigating said

Respondent.

- C. The Respondent provided medical care to Patient A (hereinafter identified in the attached Appendix A) in the form of interpreting x-rays at United Memorial Medical Center, Batavia, New York, on or about July 14, 2002. On that occasion, the Respondent interpreted Patient A's x-rays of her right hip, and reported, among other things, "There is no evidence of fracture, dislocation, bone or joint abnormality" and "IMPRESSION: Normal study..." The Respondent's care of Patient A deviated from acceptable medical standards in the following respects:
1. The Respondent failed to perceive the significance of the abnormalities that were apparent on the x-rays of Patient A's right hip.
 2. Respondent failed to identify the abnormalities that were apparent on the x-rays as being consistent with a subcapital fracture of the right hip.
 3. Respondent caused a report to be issued which stated, "There is no evidence of fracture, dislocation, bone or joint abnormality" and "IMPRESSION: Normal study..."
- D. The Respondent provided medical care to Patient B (hereinafter identified in the attached Appendix A) in the form of interpreting CT scans at United Memorial Medical Center, on or about July 14, 2002. On that occasion, the Respondent interpreted Patient B's CT scans of his abdomen and pelvis with calculus protocol and reported, among other things, "FINDINGS: There is no evidence of any significant urinary tract calculus or hydronephrosis..." and "IMPRESSION: NO EVIDENCE OF HYDRONEPHROSIS OR SIGNIFICANT RENAL CALCULUS..." Respondent's care of Patient B deviated from

acceptable medical standards in the following respects:

1. The Respondent failed to perceive the significance of the abnormalities that were apparent on the CT scans of Patient B's abdomen and pelvis.
2. Respondent failed to identify a tiny obstructing stone at the right ureterovesical junction, a mildly dilated ureter, and the presence of hydronephrosis.
3. Respondent caused a report to be issued which stated, "FINDINGS: There is no evidence of any significant urinary tract calculus or hydronephrosis..." and "IMPRESSION: NO EVIDENCE OF HYDRONEPHROSIS OR SIGNIFICANT RENAL CALCULUS..."

E. The Respondent provided medical care to Patient C (hereinafter identified in the attached Appendix A) in the form of interpreting CT scans at Olean General Hospital, Olean, New York 14760, on or about November 1, 2001 date. On that occasion, Respondent interpreted CT scans of Patient C's chest, abdomen, and pelvis, and failed to report a small lesion on the liver. Respondent's care of Patient C deviated from acceptable medical standards in the following respects:

1. The Respondent failed to perceive the significance of the abnormality on the CT scan taken of Patient C's liver.
2. Respondent failed to identify a small lesion on the liver.
3. Respondent caused a report to be issued which stated, "COMMENTS: ... the liver is unremarkable without evidence of focal lesions."

F. The Respondent provided medical care to Patient D (hereinafter identified in the attached Appendix A) in the form of interpreting kidney ultrasound examination of said patient at Olean General Hospital, on or about October 30, 2001. On

that occasion, the Respondent interpreted a kidney ultrasound examination of Patient D, and reported, among other things, "IMPRESSION: ... ankylosing spondylitis", and failed to report a 3.8 cm calcified abdominal aortic aneurysm. The Respondent care of Patient D deviated from acceptable medical standards in the following respects:

1. The Respondent failed to perceive the significance of an abnormality in the kidney ultrasound examination of Patient D.
2. Respondent failed to identify a 3.8 cm calcified abdominal aortic aneurysm revealed by the kidney ultrasound examination of Patient D.
3. Respondent incorrectly identified degenerative and post laminectomy changes in the spine of Patient D as ankylosing spondylitis.
4. Respondent caused a report to be issued which stated, "IMPRESSION: ... ankylosing spondylitis" and which failed to report 3.8 cm calcified abdominal aortic aneurysm.

G. On or about January 22, 2004, in the Village of Corning Justice Court, County of Steuben, State of New York, the Respondent pled guilty to Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree, in violation of Section 511.1 of the Vehicle and Traffic Law, a misdemeanor and a crime.

H. On or about January 22, 2004, in the Village of Corning Justice Court, County of Steuben, State of New York, the Respondent pled guilty to Driving While Intoxicated, in violation of Section 1192.3 of the Vehicle and Traffic Law, a misdemeanor and a crime.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HABITUAL USE OF ALCOHOL

Respondent is charged with professional misconduct by reason of being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbituates, amphetamines, hallucinogens or other drugs having similar effects, in violation of New York Education Law Section 6530 (8), in that Petitioner charges:

1. The facts set forth in Paragraph A.

SECOND THROUGH SIXTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct by practicing the profession fraudulently or beyond its authorized scope, in violation of New York Education Law Section 6530 (2), in that Petitioner charges :

2. The facts set forth in Paragraphs B and B1;
3. The facts set forth in Paragraphs B and B2;
4. The facts set forth in Paragraphs B and B3;
5. The facts set forth in Paragraphs B and B4; and
6. The facts set forth in Paragraphs B and B5.

SEVENTH THROUGH ELEVENTH SPECIFICATIONS

MAKING OR FILING A FALSE REPORT

Respondent is charged with professional misconduct by making or filing a false report, in violation of New York Education Law Section 6530 (21), in that Petitioner charges :

7. The facts set forth in Paragraphs B and B1;
8. The facts set forth in Paragraphs B and B2;

9. The facts set forth in Paragraphs B and B3;
10. The facts set forth in Paragraphs B and B4; and
11. The facts set forth in Paragraphs B and B5.

TWELFTH THROUGH SIXTEENTH SPECIFICATIONS

VIOLATION OF NEW YORK EDUCATION LAW 2805-k

Respondent is charged with professional misconduct by failing to provide information to Corning Hospital pursuant to New York State Education Law Section 2805-k, in violation of New York Education Law Section 6530 (14), in that Petitioner charges :

12. The facts set forth in Paragraphs B and B1;
13. The facts set forth in Paragraphs B and B2;
14. The facts set forth in Paragraphs B and B3;
15. The facts set forth in Paragraphs B and B4; and
16. The facts set forth in Paragraphs B and B5.

SEVENTEENTH THROUGH TWENTY-SECOND SPECIFICATIONS

CONDUCT EVIDENCING MORAL UNFITNESS

Respondent is charged with professional misconduct by engaging in conduct in the practice of medicine that evidences moral unfitness to practice medicine, in violation of New York Education Law Section 6530 (20), in that Petitioner charges:

17. The facts set forth in Paragraph A;
18. The facts set forth in Paragraphs B and B1;
19. The facts set forth in Paragraphs B and B2;
20. The facts set forth in Paragraphs B and B3;
21. The facts set forth in Paragraphs B and B4; and
22. The facts set forth in Paragraphs B and B5.

TWENTY-THIRD THROUGH TWENTY-SIXTH SPECIFICATIONS

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in New York Education Law Section 6530 (3) by practicing the profession of medicine with negligence on more than one occasion as alleged in two or more of the following:

23. The facts set forth in Paragraphs C and C1, C and C2, and C and C3;
24. The facts set forth in Paragraphs D and D1, D and D2, and D and D3;
25. The facts set forth in Paragraphs E and E1, E and E2, and E and E3 ;
and/or
26. The facts set forth in Paragraphs F and F1, F and F2, and F and F3..

TWENTY-SEVENTH THROUGH THIRTIETH SPECIFICATIONS

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in New York Education Law Section 6530 (5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in two or more of the following:

27. The facts set forth in Paragraphs C and C1, C and C2, and C and C3;
28. The facts set forth in Paragraphs D and D1, D and D2, and D and D3;
29. The facts set forth in Paragraphs E and E1, E and E2, and E and E3;
and/or
30. The facts set forth in Paragraphs F and F1, F and F2, F and F3, and F and F4.

THIRTY-FIRST AND THIRTY-SECOND SPECIFICATIONS

CRIMINAL CONVICTIONS (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

31. The facts set forth in Paragraph G; and
32. The facts set forth in Paragraph H.

DATED: February 5, 2004
Albany, New York


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