



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 19, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anastassios S. Kassapidis, M.D.
23-18 28th Street
Astoria, New York 11105

RE: License No. 089344

Dear Dr. Kassapidis:

Enclosed please find Order #BPMC 97-313 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Mark Barnes, Esq.
Proskauer, Rose LLP
1585 Broadway
New York, New York 10036

Paul Stein, Esq.

below; a fifteen thousand dollar (\$15,000.00) fine subject to the terms set forth in Exhibit "B" below; and 100 hours of continuing medical education subject to the terms set forth in Exhibit "B" below.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29) (McKinney Supp 1997). I further agree that I retain the right to substitute a license surrender for all of the penalty and registration terms of the Consent Order, except for the \$15,000 fine, which must be paid in full as a condition precedent to any license surrender.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 any and all administrative or judicial appeals therefrom; 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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent

Order for which I hereby apply, whether administratively or
judicially, and ask that the Application be granted.

Anastassios S. Kassapidis MD
ANASTASSIOS S. KASSAPIDIS, M.D.
Respondent

Sworn to before me this
10th day of December, 1997.

Paul Stein

NOTARY PUBLIC

PAUL STEIN
Notary Public, State of New York
No. 02ST4819874
Qualified in Kings County
Commission Expires June 30, 1998

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

DATE: December 10, 1997

Mark Barnes
MARK BARNES, ESQ.
Proskauer Rose LLP
Attorneys for Respondent

DATE: December 10, 1997

Paul Stein
PAUL STEIN, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: December 11, 1997

Anne Saile
ANNE F. SAILE
Director
Office of Professional
Medical Conduct

IN THE MATTER
OF
ANASTASSIOS S. KASSAPIDIS, M.D.

CONSENT
ORDER

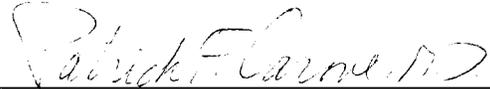
Upon the proposed agreement of ANASTASSIOS S. KASSAPIDIS, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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: 12/16/97



PATRICK F. CARONE, M.D.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
ANASTASSIOS S. KASSAPIDIS, M.D.

STATEMENT
OF
CHARGES

ANASTASSIOS S. KASSAPIDIS, M.D., the Respondent, was authorized to practice medicine in New York State on February 19, 1962 by the issuance of license number 089344 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided care and treatment to Patients B, C, D, E, F, G, H, and I (all patients are identified in Appendix A), as specified below in paragraphs B through I. The below allegations (A-1 through A-10) apply individually to patients B through I except as specifically noted, all of whose treatment was billed to Medicaid.

1. Respondent failed to take an adequate history of the patient.
2. Respondent failed to perform an adequate physical examination of the patient.
3. Respondent failed to conduct an adequate review of systems of the patient.
4. Respondent ordered sonography of the patient that was not medically indicated (except for Patients E and I).

Exhibit A

5. Respondent ordered computerized axial tomography (CT scan) of the patient that was not medically indicated (except for Patient H).
6. Respondent diagnosed the patient's condition without an adequate basis for the diagnosis.
7. Respondent failed to keep an adequate record for the patient.

B. From on or about April 7, 1975 through February 29, 1992, on approximately 24 occasions, Patient B, a 29 year old male, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with no documented complaints at the first visit.

1. Respondent inappropriately treated a diagnosed strep throat with six days of Vibramycin.
2. Respondent inappropriately failed to inform Patient B following the echocardiogram finding of mitral stenosis that antibiotic prophylaxis was indicated for dental procedures.
3. Respondent inappropriately failed to change Patient B's Coumadin dosage after Patient B's protime was reported as not therapeutic.

C. On or about June 12 and 19, July 2, and August 5, 1991, Patient C, a 34 year old female, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of crampy abdominal and back pains and urinary frequency and a history of a pelvic mass at the first visit.

1. Respondent inappropriately diagnosed Patient C with a urinary tract infection on two occasions, despite normal urinalysis reports.
- D. From on or about October 28, 1987 through July 23, 1991, on approximately 11 occasions, Patient D, a 35 year old (at the initial visit) male, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of pain at the lumbar spine at the first visit.
- E. From on or about June 27, 1988 through July 31, 1992, on approximately 11 occasions, Patient E, a 49 year old (at the initial visit) male, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of pain of the right hip area at the first visit.
1. Respondent's progress notes of December 21, 1991 inappropriately refer to a spirometry report of "severe chest restriction" on December 21, 1991 as "obstructive severe pulmonary disease".
 2. Respondent failed to appropriately follow up the lung pathology found through the spirometry of December 21, 1991.
 3. Respondent failed to appropriately treat Patient E's diverticulitis that Respondent diagnosed on April 21, 1992.

F. From on or about October 1, 1990 through June 23, 1992, on approximately 12 occasions, Patient F, a 34 year (at initial visit) old female, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with undocumented complaints at the first visit.

1. Respondent failed to follow up the possibility that Patient F had pelvic inflammatory disease that was suggested in the sonography reports of October 3, 1990 and November 27, 1991.

G. Between on or about September 28, 1989 and April 22, 1992, on approximately 16 occasions, Patient G, a 40 year old (at initial visit) female, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of epigastric pain and nausea at the first visit.

1. Respondent failed to order a repeat mammogram with more penetration as advised by radiologist R. Loscos, M.D. in the mammography report dated 12-5-90.
2. On the visit of February 12, 1992, Patient G complained of neck pain, and Respondent inappropriately made a diagnosis without performing a throat exam.

H. On or about December 27, 28, and 30, 1991 and January 7, 8, 16, and 24, 1992, Patient H, a 64 year old female, visited

Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of itchiness all over body and right upper quadrant abdominal pain at the first visit.

- I. On or about March 5, 7 and 12, 1992, Patient I, a 39 year old female, visited Respondent's offices at 23-18 28th Street, Astoria, New York, with complaints of difficulty in swallowing, swelling on the left side of face, headache, and a change in her voice at the first visit.

- J. At various times in or about January through August, 1997, Respondent advertised his medical practice in a videotaped commercial on the National Greek Television (NGTV) program shown on cable television channels in Brooklyn and Queens, New York.
 1. In this videotaped commercial, it was claimed that Respondent accepted Medicaid, although Respondent was not eligible to accept Medicaid in January through August, 1997.

SPECIFICATIONS

FIRST THROUGH EIGHTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) (McKinney Supp. 1997) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraphs B and B1-3, and A and A1-3, 6-7 in so far as they apply to Patient B.
2. Paragraphs C and C1, and A and A1-3, 6-7 in so far as they apply to Patient C.
3. Paragraphs D, and A and A1-3, 6-7 in so far as they apply to Patient D.
4. Paragraphs E and E1-3, and A and A1-3, 6-7 in so far as they apply to Patient E.
5. Paragraphs F and F1, and A and A1-3, 6-7 in so far as they apply to Patient F.
6. Paragraphs G and G1-2, and A and A1-3, 6-7 in so far as they apply to Patient G.
7. Paragraphs H, and A and A1-3, 6-7 in so far as they apply to Patient H.
8. Paragraphs I, and A and A1-3, 6-7 in so far as they apply to Patient I.

NINTH THROUGH SIXTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6) (McKinney Supp. 1997) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

9. Paragraphs B and B1-3, and A and A1-7 in so far as they apply to Patient B.
10. Paragraphs C and C1, and A and A1-7 in so far as they apply to Patient C.
11. Paragraphs D, and A and A1-7 in so far as they apply to Patient D.
12. Paragraphs E and E1-3, and A and A1-3, 5-7 in so far as they apply to Patient E.
13. Paragraphs F and F1, and A1-7 in so far as they apply to Patient F.
14. Paragraphs G and G1-2, and A and A1-7 in so far as they apply to Patient G.
15. Paragraphs H, and A and A1-4, 6-7 in so far as they apply to Patient H.
16. Paragraphs I, and A and A1-3, 5-7 in so far as they apply to Patient I.

SEVENTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) (McKinney Supp. 1997) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

17. Paragraphs A and A1-3, 6-7, B and B1-3, C and C1, D, E and E1-3, F and F1, G and G1-2, H, and I.

EIGHTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) (McKinney Supp. 1997) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

18. Paragraphs A and A1-7, B and B1-3, C and C1, D, E and E1-3, F and F1, G and G1-2, H, and I.

NINETEENTH THROUGH TWENTY-SIXTH SPECIFICATIONS

ORDERING OF EXCESSIVE TESTS

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(35) (McKinney Supp. 1997) by the ordering of excessive tests, treatment, or use of treatment

facilities not warranted by the condition of the patient, as alleged in the facts of the following:

19. Paragraphs B, and A and A4-5 in so far as they apply to Patient B.
20. Paragraphs C, and A and A4-5 in so far as they apply to Patient C.
21. Paragraphs D, and A and A4-5 in so far as they apply to Patient D.
22. Paragraphs E, and A and A5 in so far as they apply to Patient E.
23. Paragraphs F, and A and A4-5 in so far as they apply to Patient F.
24. Paragraphs G, and A and A4-5 in so far as they apply to Patient G.
25. Paragraphs H, and A and A4 in so far as they apply to Patient H.
26. Paragraphs I, and A and A5 in so far as they apply to Patient I.

TWENTY-SEVENTH THROUGH THIRTY-FIFTH SPECIFICATIONS

FAILING TO MAINTAIN A RECORD

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) (McKinney Supp. 1997) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the facts of the following:

27. Paragraphs B, and A and A7 in so far as they apply to Patient B.
28. Paragraphs C, and A and A7 in so far as they apply to Patient C.
29. Paragraphs D, and A and A7 in so far as they apply to Patient D.
30. Paragraphs E, and A and A7 in so far as they apply to Patient E.
31. Paragraphs F, and A and A7 in so far as they apply to Patient F.
32. Paragraphs G, and A and A7 in so far as they apply to Patient G.
33. Paragraphs H, and A and A7 in so far as they apply to Patient H.
34. Paragraphs I, and A and A7 in so far as they apply to Patient I.

THIRTY-FIFTH SPECIFICATION

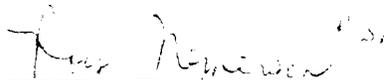
FALSE ADVERTISING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(27)(a)(i) (McKinney Supp. 1997) by advertising or soliciting for patronage that is not in the public interest by advertising or soliciting that is false,

fraudulent, deceptive, misleading, sensational or flamboyant as alleged in the facts of the following:

35. Paragraphs J and J1.

DATED: New York, New York
October 23, 1997



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical
Conduct

Exhibit B

Terms 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 and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet at reasonable times and locations with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection of no less than 10

records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
7. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits at reasonable times with Respondent and his/her staff at practice locations or OPMC offices.
 8. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
 9. Respondent shall pay a \$15,000 fine, at the rate of \$1,000 per month due and payable on the first day of the month, commencing with the first full calendar month of probation. If for any reason the period of probation is to be tolled, the fine shall become immediately due and payable before the toll takes effect.
 10. Respondent shall complete during the period of probation 100 hours of continuing medical education: 50 hours in the first year of probation and 50 hours in the second year of probation. Continuing medical education shall consist of lectures, courses or seminars that are sponsored by an institution accredited by the Accreditation Counsel for Continuing Medical Education. Said continuing medical education programs shall be subject to the prior written approval of the Director of the Office of Professional Medical Conduct, which approval shall not be unreasonably withheld. At least one course shall cover record keeping. Proof of completion of the continuing medical education requirement shall be provided to the Director of the Office of Professional Medical Conduct prior to the termination of the period of probation.

11. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.