



*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

March 31, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Jacob Addes, M.D.  
5123 14th Avenue  
Brooklyn, New York 11219

RE: License No. 045013

Dear Dr. Addes:

Enclosed please find Order #BPMC 98-59 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 7, 1998**.

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

Sincerely,

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

Enclosure

cc: Arthur W. Hill, Esq.  
Ross & Hill  
16 Court Street  
Suite 2403  
Brooklyn, New York 11241

Ann Gayle, Esq.

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

IN THE MATTER  
OF  
JACOB ADDES, M.D.

SURRENDER  
OF  
LICENSE

BPMC #98-59

STATE OF NEW YORK )

COUNTY OF KINGS )

ss.:

JACOB ADDES, M.D., being duly sworn, deposes and says:

On or about October 10, 1946, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 045013, by the New York State Education Department.

My current address is 5123 14th Avenue, Brooklyn, New York 11219, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with thirty-two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York, such surrender to be effective on May 1, 1998, on the grounds that I agree not to contest the charges against me, in full satisfaction of the Statement of Charges. I further agree that, effective as of the date of the signing of the Surrender Order, there shall be a permanent limitation on my license that I shall be precluded from prescribing, dispensing, or administering any and all controlled substances. I further agree that,

effective five (5) days after the effective date of the Surrender Order, I shall be required to surrender any and all official New York State prescriptions in my possession to Michael Berman, Program Director, Metropolitan Area Regional Office, Bureau of Controlled Substances, 5 Penn Plaza, 6th Floor, New York, New York 10001, and that I shall be required to surrender any and all official New York State prescriptions, if any, which I have ordered but not yet received to Michael Berman, Program Director, Metropolitan Area Regional Office, Bureau of Controlled Substances, 5 Penn Plaza, 6th Floor, New York, New York 10001, immediately upon my receipt of them.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

Jacob Addees M.D.  
JACOB ADDES, M.D.  
RESPONDENT

Sworn to before me this  
9<sup>th</sup> day of Nov, 1998

Maria L. Stokes  
NOTARY PUBLIC

MARIA L. STOKES  
NOTARY PUBLIC, State of New York  
No. 45-2644195  
Qualified in Richmond County  
Commission Expires Nov. 30, 1997

99.

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 3/17/98



ARTHUR W. HILL, Esq.  
Attorney for Respondent

Date: March 23, 1998



ANN GAYLE  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: March 23, 1998



ANNE F. SAILE  
Director  
Office of Professional Medical Conduct

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

IN THE MATTER  
OF  
JACOB ADDES, M.D.

SURRENDER  
ORDER

Upon the proposed agreement of Jacob Addes, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED.

DATED: 3/28/98

Patrick F. Carone, M.D.

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

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

IN THE MATTER  
OF  
JACOB ADDES, M.D.

STATEMENT  
OF  
CHARGES

JACOB ADDES, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 10, 1946, by the issuance of license number 045013, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated an investigator posing as Patient A, a then 46 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, on or about April 9, 1996.
1. Respondent inappropriately prescribed Tylenol #4, a controlled substance, to Patient A.
  2. Respondent's prescribing of the controlled substance to Patient A was not in good faith and not for a proper medical purpose.
- B. Respondent treated Patient B, a then 32 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, for sleep difficulties, from approximately March 1981 to May 1984 and from approximately October 1993 to June 1997.
1. Respondent inappropriately prescribed Seconal, a controlled substance, to Patient B.
  2. Respondent's prescribing of the controlled substance to Patient B was not in good faith and not for a proper medical purpose.
  3. Respondent failed to maintain a record for Patient B which

E X H I B I T "A"

accurately reflects the care and treatment provided to Patient B.

- C. Respondent treated Patient C, a then 26 year old female, at his office, located at 5123 14th Avenue, Brooklyn, New York for a sleep problem and for "anxiety and being tense" and tired in the morning, from approximately January 1991 to November 1995.
1. Respondent inappropriately prescribed Seconal, a controlled substance, to Patient C.
  2. Respondent's prescribing of the controlled substance to Patient C was not in good faith and not for a proper medical purpose.
  3. Respondent failed to maintain a record for Patient C which accurately reflects the care and treatment provided to Patient C.
- D. Respondent treated Patient D, a then 41 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, for back problems, from approximately October 1991 to July 1997.
1. Respondent inappropriately prescribed controlled substances including Dilaudid, Demerol, Seconal and Valium to Patient D.
  2. Respondent's prescribing of the controlled substances to Patient D was not in good faith and not for a proper medical purpose.
  3. On or about June 4, 1993, Respondent inappropriately prescribed Demerol to Patient D following an accident from which Patient D was apparently suffering from a concussion.
  4. Respondent failed to maintain a record for Patient D which accurately reflects the care and treatment provided to Patient D.
- E. Respondent treated Patient E, a then 38 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, for insomnia, from approximately September 1993 to February 1996.

1. Respondent failed, at any time throughout the course of treatment, to take an adequate history from Patient E or to note such history, if any, in the chart.
  2. Respondent failed, at any time throughout the course of treatment, to perform an adequate physical examination upon Patient E or to note such examination, if any, in the chart.
  3. Respondent inappropriately prescribed controlled substances including Seconal and Tuinal to Patient E.
  4. Respondent's prescribing of the controlled substances to Patient E was not in good faith and not for a proper medical purpose.
- F. Respondent treated Patient F, a then 33 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, for a sprain, from approximately January 1994 to June 1997.
1. Respondent failed, at any time throughout the course of treatment, to take an adequate history from Patient F or to note such history, if any, in the chart.
  2. Respondent failed, at any time throughout the course of treatment, to perform an adequate physical examination upon Patient F or to note such examination, if any, in the chart.
  3. Respondent inappropriately prescribed Percocet, a controlled substance, to Patient F.
  4. Respondent's prescribing of the controlled substance to Patient F was not in good faith and not for a proper medical purpose.
- G. Respondent treated Patient G, a then 33 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, for "aches and pains", from approximately April 1994 to July 1997.
1. Respondent failed, at any time throughout the course of

- treatment, to take an adequate history from Patient G or to note such history, if any, in the chart.
2. Respondent failed, at any time throughout the course of treatment, to perform an adequate physical examination upon Patient G or to note such examination, if any, in the chart.
  3. Respondent inappropriately prescribed controlled substances including Vicodin, Percodan, and Percocet to Patient G.
  4. Respondent's prescribing of the controlled substances to Patient G was not in good faith and not for a proper medical purpose.
- H. Respondent treated Patient H, a then 38 year old male, at his office, located at 5123 14th Avenue, Brooklyn, New York, following a car accident, on or about August 1, 1992.
1. Respondent inappropriately prescribed Percodan, a controlled substance, to Patient H following a car accident from which it was thought that Patient H might have a concussion.
  2. Respondent's prescribing of the controlled substance to Patient H was not in good faith and not for a proper medical purpose.

### SPECIFICATION OF CHARGES

#### FIRST THROUGH EIGHTH SPECIFICATIONS

##### Fraud

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession fraudulently, as alleged in the facts of:

1. Paragraphs A and A2.
2. Paragraphs B and B2.

3. Paragraphs C and C2.
4. Paragraphs D and D2.
5. Paragraphs E and E4.
6. Paragraphs F and F4.
7. Paragraphs G and G4.
8. Paragraphs H and H2.

### **NINTH 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. 1998) 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:

9. Paragraphs A and A1 and/or 2, B and B1, 2 and/or 3, C and C1, 2 and/or 3, D and D1, 2, 3 and/or 4, E and E1, 2, 3 and/or 4, F and F1, 2, 3 and/or 4, G and G1, 2, 3 and/or 4, H and H1 and/or 2.

### **TENTH THROUGH SEVENTEENTH SPECIFICATIONS**

#### **GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1998) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

10. Paragraphs A and A1 and/or 2.
11. Paragraphs B and B1, 2 and/or 3.
12. Paragraphs C and C1, 2 and/or 3.
13. Paragraphs D and D1, 2, 3 and/or 4.
14. Paragraphs E and E1, 2, 3 and/or 4.

15. Paragraphs F and F1, 2, 3 and/or 4.
16. Paragraphs G and G1, 2, 3 and/or 4.
17. Paragraphs H and H1 and/or 2.

### **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. 1998) 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 and/or 2, B and B1, 2 and/or 3, C and C1, 2 and/or 3, D and D1, 2, 3 and/or 4, E and E1, 2, 3 and/or 4, F and F1, 2, 3 and/or 4, G and G1, 2, 3 and/or 4, H and H1 and/or 2.

### **NINETEENTH THROUGH TWENTY-SIXTH SPECIFICATIONS**

#### **GROSS INCOMPETENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1998) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

19. Paragraphs A and A1 and/or 2.
20. Paragraphs B and B1, 2 and/or 3.
21. Paragraphs C and C1, 2 and/or 3.
22. Paragraphs D and D1, 2, 3 and/or 4.
23. Paragraphs E and E1, 2, 3 and/or 4.
24. Paragraphs F and F1, 2, 3 and/or 4.
25. Paragraphs G and G1, 2, 3 and/or 4.
26. Paragraphs H and H1 and/or 2.

**TWENTY-SEVENTH THROUGH THIRTY-SECOND SPECIFICATIONS**  
**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §(32)(McKinney Supp. 1998) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

27. Paragraphs B and B3.
28. Paragraphs C and C3.
29. Paragraphs D and D4.
30. Paragraphs E and E1 and/or 2.
31. Paragraphs F and F1 and/or 2.
32. Paragraphs G and G1 and/or 2.

DATED: February, 1998  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct