

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

IN THE MATTER
OF
EDUARDO A. SANCHEZ, M.D.

COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING

TO: EDUARDO A. SANCHEZ, M.D.
135 Rockaway Turnpike, Suite 108
Lawrence, NY 11358

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 Eduardo A. Sanchez, 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) (McKinney Supp. 2000), that effective immediately Eduardo A. Sanchez, 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) (McKinney Supp. 2000).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 2000), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 2000). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on June 29th, 2000, at 10:00 a.m., at the offices of the New York State Health Department, 5 Penn Plaza, Sixth Floor, New York, NY 10001, 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. TYRONE BUTLER, 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 (McKinney Supp. 2000). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
June/6, 2000



DENNIS P. WHALEN
Executive Deputy Commissioner
New York State Health Department

Inquiries should be directed to:

Silvia Pastor Finkelstein
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
5 Penn Plaza
Suite 601
New York, New York 10001
(212) - 268-6774

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 either:

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

New York State Health Department
Bureau of Professional Medical Conduct
5 Penn Plaza
New York, NY 10001
Fax: 212-268-6735

**IN THE MATTER
OF
EDUARDO A. SANCHEZ, M.D.**

**STATEMENT
OF
CHARGES**

EDUARDO A. SANCHEZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 11, 1988, by the issuance of license number 175825 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. At all times herein mentioned, Respondent was an internist with offices located at 135 Rockway Turnpike, Suite 108, Lawrence, New York 11559. Respondent treated Patient A on March 13, 2000.
1. On or about March 13, 2000, Patient A, a 30 year old female, was seen by Respondent complaining of nasal stuffiness, snoring, and sore throat. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:
 - a. As Patient A was laying on the examination table, Respondent pulled down her pantihose and panties to her knees. Respondent then touched her lower back and rubbed both of her buttocks with his hands.

- b. Respondent rubbed his groin with one hand, while continuing to touch Patient A's buttocks with his other hand.
- c. Respondent then barricaded the door to the examination room with a chair and directed Patient A to lay on her side. While standing behind Patient A, Respondent pressed his erect penis against her buttocks.
- d. Respondent directed Patient A to lay on her stomach; after giving Patient A two injections, Respondent took her hand and placed it on his groin area against his erect penis.

- 2. Respondent failed to maintain a medical record for Patient A which fairly and accurately reflects the evaluation and/or treatment rendered to her.

B. Respondent treated Patient B at his office located at 135 Rockway Turnpike, Suite 108, Lawrence, New York 11559, from in or about May 1996 through on or about January 26, 1999.

- 1. On or about January 26, 1999, Patient B, a 50 year old female, was seen by Respondent complaining of chest pain and cough for six days. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent engaged in conduct as follows:

- a. Respondent directed Patient B to stand up facing the wall, with her hands against the wall and to unbutton her

pants. He then pulled down her pants and underwear. While standing behind Patient B, Respondent touched her groin and pubic area with one hand, while placing a stethoscope on her back with the other hand and leaning his groin area against her buttocks.

- b. Respondent then directed Patient B to lay down on the examination table. Respondent again pulled down her pants and touched her groin area.
- c. Respondent then directed Patient B to lay face down on the examination table. Respondent squeezed and rubbed Patient B's buttocks.

- 2. Respondent failed to maintain a medical record for Patient B which fairly and accurately reflects the evaluation and/or treatment rendered to her.

C. On or about March 12, 1999, Respondent was arrested and subsequently charged with Sexual Abuse in the Third Degree, a class B misdemeanor, in violation of Sec. 130.55 of the Penal Law, in District Court, Index No. 175825, Nassau County, based on the facts set forth in paragraphs B, B.1, B.1.a, B.1.b, and B.1.c, above.

- 1. On or about November 24, 1999, while the matter was still pending in District Court, Respondent filed his New York license registration renewal. In response to question 2.a "Have you been convicted or charged with any crime (felony or misdemeanor) in any state or county, the disposition of which was other than acquittal or dismissal? Respondent knowingly and with intent to deceive, falsely answered: "No".

SPECIFICATION OF CHARGES

FIRST THROUGH SECOND SPECIFICATIONS

**WILLFULLY HARASSING, ABUSING OR INTIMIDATING
A PATIENT EITHER PHYSICALLY OR VERBALLY**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 2000) by willfully harassing, abusing or intimidating a patient either physically or verbally, as alleged in the facts of:

1. Paragraph A, A.1, A.1.a, A.1.b, A.2.c and/or A.1.d.
2. Paragraph B, B.1.a, B.1.b, and/or B.1.c.

THIRD THROUGH FIFTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2000) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

3. Paragraph A, A.1, A.1.a, A.1.b, A.1.c and/or A.1.d.
4. Paragraph B, B.1.a, B.1.b, and/or B.1.c.
5. Paragraph C and C.1.

SIXTH THROUGH EIGHTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 2000) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

6. Paragraph A, A.1, A.1.a, A.1.b, A.1.c and/or A.1.d.
7. Paragraph B, B.1.a, B.1.b, and/or B.1.c.
8. Paragraph C and C.1.

NINTH TROUGH TENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 2000) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

9. Paragraph A, A.1, A.1.a, A.1.b, A.1.c and/or A.1.d.
10. Paragraph B, B.1.a, B.1.b, and/or B.1.c.

ELEVENTH 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. 2000) 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:

11. Paragraph A, A.1, A.1.a, A.1.b, A.1.c, A.1.d., B, B.1.a, B.1.b, and/or B.1.c.

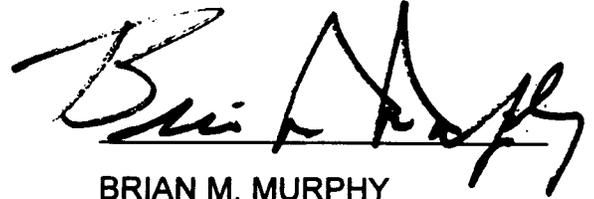
TWELVETH AND THIRTEENTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 2000) 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:

12. A and A.2
13. B and B.2.

DATED: June 12, 2000
Albany, New York

A handwritten signature in black ink, appearing to read "Brian Murphy", written over a horizontal line.

BRIAN M. MURPHY
Chief Counsel
Bureau of Professional
Medical Conduct