



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

June 26, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Louis Lazar, M.D.
28 Peoria Street
Buffalo, NY 14207

Re: License No. 046317

Dear Dr. Lazar:

Enclosed please find Order #BPMC 03-168 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 3, 2003.

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 to the 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: Robert Michael Greene, Esq.
Phillips, Lytle, Hitchcock, Blaine & Huber, LLP
3400 HSBC Center
Buffalo, NY 14203-2887

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

IN THE MATTER
OF
LOUIS LAZAR, M.D.

CONSENT
ORDER

BPMC No. 03-168

Upon the application of (Respondent) LOUIS LAZAR, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

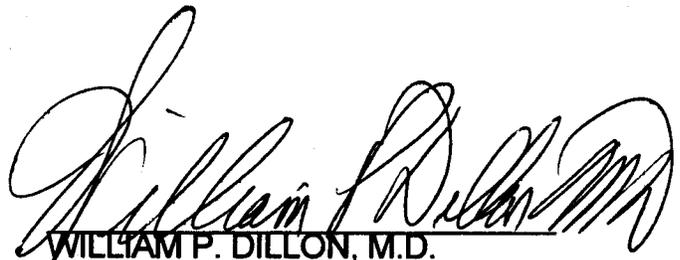
ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 6/25/03



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
LOUIS LAZAR, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

LOUIS LAZAR, M.D., representing that all of the following statements are true, deposes and says:

That on or about June 26, 1947, I was licensed to practice as a physician in the State of New York, and issued License No. 046317 by the New York State Education Department.

My current address is 28 Peoria Street, Buffalo, New York 14207, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I plead no contest to the second specification of misconduct, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury deformity, or physical condition.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

- That Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take

effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State; and

Respondent shall comply with all conditions set forth in Exhibit "B" ("Guidelines for Closing a Medical Practice") which is attached.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of

the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 5.27.03

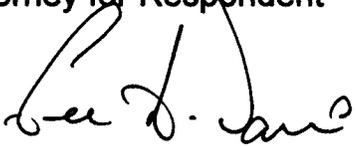

LOUIS LAZAR, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: May 27, 2003


ROBERT MICHAEL GREENE, ESQ.
Attorney for Respondent

DATE: June 12, 2003


LEE A. DAVIS
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: June 19, 2003


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
LOUIS LAZAR, M.D.

STATEMENT
OF
CHARGES

LOUIS LAZAR, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 26, 1947, by the issuance of license number 046317 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care and treatment to Patient A (patients are identified in Appendix A, attached hereto), a female patient of unidentified age when treated, from on or about July 6, 1999 through on or about October 8, 2002 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient A deviated from accepted standards of medical care in the following respects:
1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient A's obesity, improperly prescribing Phentermine and Lasix for over three years;
 2. Respondent failed to order, and/or record the ordering of laboratory data for Patient A to assess any tendency toward renal problems or electrolyte imbalance as a result of her long-term exposure to Lasix;
 3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient A in conjunction with the medications prescribed;
 4. Respondent prescribed Phentermine and Lasix for Patient A in excess of three years without any consistently demonstrated weight loss by the Patient.

B. Respondent provided medical care and treatment to Patient B, a male patient of unidentified age when treated, from on or about June 28, 1995 through on or about December 17, 2002 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient B deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient B's obesity, improperly prescribing Phentermine and Hydrodiuril initially, with Lasix replacing the Hydrodiuril on December 6, 1995 for over seven years;
2. Respondent failed to order, and/or record the ordering of laboratory data for Patient B to assess any tendency toward renal problems or electrolyte imbalance as a result of his long-term exposure to diuretics;
3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient B in conjunction with the medications prescribed;
4. Respondent prescribed Phentermine and diuretics for Patient B for seven years without any consistently demonstrated weight loss by the Patient.

C. Respondent provided medical care and treatment to Patient C, a male patient of unidentified age when treated, from on or about July 7, 1997 through on or about August 23, 2002 for obesity and diabetes at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient C's obesity and diabetes, improperly prescribing Phentermine and Lasix for five years, with minor, short-term substitutions of Tenuate for Phentermine;
2. Respondent began prescribing Glucophage for Patient C's diabetes on April 2, 2001 without monitoring of Patient C's blood for toxicity

levels of the medicine, and/or failed to record any blood monitoring;

3. Respondent failed to order, and/or record the ordering of laboratory data for Patient C to assess any tendency toward renal problems or electrolyte imbalance as a result of his long-term exposure to Lasix;
4. Respondent failed to order, and/or record the ordering of laboratory data for Patient C to assess any potential vascular disease for this diabetic who received appetite suppressants for over five years;
5. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient C in conjunction with the medications prescribed;
6. Respondent prescribed Phentermine and Lasix for Patient C in excess of five years without any consistently demonstrated weight loss by the Patient.

- D. Respondent provided medical care and treatment to Patient D, a female patient of unidentified age when treated, from on or about March 2, 1998 through on or about June 3, 2002 for obesity at 28 Peoria Street, Buffalo, New York.

Respondent's care and treatment of Patient D deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient D's obesity, improperly prescribing Phentermine and Lasix for over four years;
2. Respondent failed to order, and/or record the ordering of laboratory data for Patient D to assess any tendency toward renal problems or electrolyte imbalance as a result of her long-term exposure to Lasix;
3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient D in conjunction with the medications prescribed;
4. Respondent prescribed Phentermine and Lasix for Patient D in excess of four years without any consistently demonstrated weight loss by the Patient for over two years.

E. Respondent provided medical care and treatment to Patient E, a female patient of unidentified age when treated, from on or about April 3, 1996 through on or about September 23, 2002 for obesity at 28 Peoria Street, Buffalo, New York.

Respondent's care and treatment of Patient E deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient E's obesity, improperly prescribing Phentermine and Lasix on a regular basis for nearly 6½ years;
2. Respondent failed to order, and/or record the ordering of laboratory data for Patient E to assess any tendency toward renal problems or electrolyte imbalance as a result of her prolonged exposure to Lasix;
3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient E in conjunction with the prescribed medications; and
4. Respondent prescribed Phentermine and Lasix for nearly 6½ years without any consistently demonstrated weight loss.

F. Respondent provided medical care and treatment to Patient F, a female patient 43 years of age when first treated, from on or about June 9, 1990 through on or about January 15, 1997 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient F deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient F's obesity, improperly prescribing Phentermine and Lasix or other diuretics on a regular basis for over 6½ years;
2. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient F in conjunction with the prescribed medications;
3. Respondent prescribed Phentermine and diuretics for over 6½ years without any consistently demonstrated weight loss; and

4. Respondent began prescribing Synthroid, a thyroid deficiency medication to Patient F, without laboratory data or any other basis to support the prescribing of this medication, and/or failed to record the laboratory data.

G. Respondent provided medical care and treatment to Patient G, a female patient of unspecified age when first treated, from on or about May 3, 1994 through on or about July 21, 2000 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient G deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient G's obesity, improperly prescribing Phentermine and Lasix on a regular basis for over 6 years;
2. Respondent failed to order, and/or record the ordering of laboratory data for Patient G to assess any tendency toward renal problems or electrolyte imbalance as a result of her prolonged exposure to Lasix;
3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient G in conjunction with the prescribed medications; and
4. Respondent prescribed Phentermine and Lasix for over 6 years without any consistently demonstrated weight loss.

H. Respondent provided medical care and treatment to Patient H, a male patient of unspecified age when first treated, from on or about July 31, 1992 through on or about January 13, 2003 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient H deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient H's obesity, improperly prescribing Phentermine on a regular basis for nearly 8½ years;

2. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient H in conjunction with the prescribed medications; and
3. Respondent prescribed Phentermine for nearly 8½ years without any consistently demonstrated weight loss.

I Respondent provided medical care and treatment to Patient I, a male patient of unspecified age when first treated, from on or about September 12, 1997 through on or about December 20, 2002 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient I deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient I's obesity, improperly prescribing Phentermine on a regular basis for over five years;
2. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient I in conjunction with the prescribed medications; and
3. Respondent prescribed Phentermine for over five years without any consistently demonstrated weight loss.

J. Respondent provided medical care and treatment to Patient J, a female patient of unspecified age when first treated, from on or about April 9, 1997 through on or about January 17, 2003 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient J deviated from accepted standards of medical care in the following respects:

1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient J's obesity, improperly prescribing Phentermine on a regular basis for nearly six years; and
2. Respondent prescribed Phentermine for nearly six years without any consistently demonstrated weight loss.

K. Respondent provided medical care and treatment to Patient K, a male patient 37 years of age when first treated, from on or about May 20, 1994 through on or about January 12, 2003 for obesity and multiple other ailments at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient K deviated from accepted standards of medical care in the following respects:

- 1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient K's obesity, improperly prescribing Phentermine and diuretics on a regular basis for nearly nine years;**
- 2. Respondent prescribed Phentermine for nearly nine years without any consistently demonstrated weight loss; and**
- 3. Respondent failed to order, and/or record the ordering of any diet and/or exercise regimen for Patient K in conjunction with the prescribed medications.**

L. Respondent provided medical care and treatment to Patient L, a female patient 33 years of age when first treated, from on or about March 5, 1991 through on or about August 2, 2002 for obesity at 28 Peoria Street, Buffalo, New York. Respondent's care and treatment of Patient L deviated from accepted standards of medical care in the following respects:

- 1. Respondent failed to properly evaluate or manage, and/or record the proper evaluation and management of Patient L's obesity, improperly prescribing Phentermine and diuretics on a regular basis for over 12 years;**
- 2. Respondent prescribed Phentermine for over 12 years without any consistently demonstrated weight loss;**
- 3. Respondent failed to order, and/or record the ordering of laboratory data for Patient L to assess any tendency toward renal problems or electrolyte imbalance as a result of her prolonged exposure to Lasix; and**
- 4. Respondent failed to order, and/or record the ordering of any diet**

and/or exercise regimen for Patient L in conjunction with the prescribed medications.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) 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:

1. The facts set forth in paragraphs A. and A.1, A. and A.2, A. and A.3, A. and A.4, B. and B.1, B. and B.2, B. and B.3, B. and B.4, C. and C.1, C. and C.2, C. and C.3, C. and C.4, C. and C.5, C. and C.6, D. and D.1, D. and D.2, D. and D.3, D. and D.4, E. and E.1, E. and E.2, E. and E.3, E. and E.4, F. and F.1, F. and F.2, F. and F.3, F. and F.4, G. and G.1, G. and G.2, G. and G.3, G. and G.4, H. and H.1, H. and H.2, H. and H.3, I and I.1, I. and I.2, I and I.3, J. and J.1, J. and J.2, K. and K.1, K. and K.2, K. and K.3, L. and L.1, L. and L.2, L. and L.3, and L. and L.4.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

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

2. The facts set forth in paragraphs A. and A.1, A. and A.2, A. and A.3, B. and B.1, B. and B.2, B. and B.3, C. and C.1, C. and C.2, C. and C.3, C. and C.4, C. and C.5, D. and D.1, D. and D.2, D. and D.3, E. and E.1, E. and E.2, E. and E.3, F. and F.1, F. and F.2, F. and F.4, G. and G.1, G. and G.2, G. and G.3, H. and H.1, H. and H.2, I and I.1, I. and I.2, J. and J.1, K. and K.1, K. and K.3, L. and L.1, L. and L.3, and L. and L.4.

DATED: ~~April~~ ^{June} 13, 2003
Albany, New York


Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.