



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

Charles J. Vacanti, M.D.
Chair

March 5, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael A. Passidomo, M.D.
162 South Mayo Trail
PO Box 2037
Pikeville, KY 41502

Re: License No. 118872

Dear Dr. Passidomo:

Enclosed please find Order #BPMC 97-54 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
433 River Street, Suite 303
Troy, New York 12180-2299

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Marla S. Buckles, Esq.
McBrayer, McGinnis, Leslie & Kirkland, PLLC
163 West Short Street, Suite 300
Lexington, KY 40507-1361

Roy Nemerson, Esq.

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

IN THE MATTER
OF
MICHAEL A. PASSIDOMO, M.D.

APPLICATION
TO
SURRENDER
LICENSE
#118872
UPON
MODIFICATION
OF ORDER
#BPMC 95-66

#BPMC 97-54

Upon the Application of MICHAEL A. PASSIDOMO, M.D. (Respondent) to Surrender License #118872 upon Modification of Order #BPMC 95-66, which Application and Order are made a part hereof, it is

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

ORDERED, that Order #BPMC 95-66 is hereby Modified; it is further

ORDERED, that this shall not constitute a new or additional disciplinary action against Respondent but shall constitute a modification of the sanction imposed by Order #BPMC 95-66 and shall be publically reportable as such; 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.

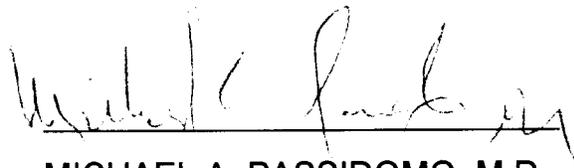
DATED: 28 February 1997


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

my license to practice medicine in the State of New York for the sanction originally imposed by Order #BPMC 95-66. I understand and agree that the charges and plea upon which that Order was based will remain unchanged.

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, relieving me of the various costs and burdens of compliance with Order #BPMC 95-66, I knowingly waive any right I may have to contest the Order for which I hereby apply, whether administratively or judicially, I agree that I shall not reapply for licensure to practice medicine in the State of New York, and ask that the Application be granted.



MICHAEL A. PASSIDOMO, M.D.
RESPONDENT

Sworn to before me this

20 day of February, 1997.

Elizabeth W. Cander
NOTARY PUBLIC

My Commission Expires:
January 22, 2001

DATE: 2/26/97

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

DATE: 28 February 1997

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
MICHAEL ANTHONY PASSIDOMO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF KENTUCKY)
COUNTY OF PIKE)

ss.:

MICHAEL ANTHONY PASSIDOMO, M.D., being duly sworn, deposes and says:

That on or about January 28, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 118872 by the New York State Education Department.

My current address is ~~534-536~~ Mayo Trail, Suite 302, Pikeville, Kentucky 41501 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the first specification, including, but limited to, paragraph "1." and paragraph "1. f.", in full satisfaction of the charges against me. I hereby agree to a sanction of three months suspension, such suspension to be stayed, and further agree to a two year period of probation, to be tolled unless and until I commence the practice of medicine in the State of New York, the terms of such period of probation being fully stated in Exhibit "B" annexed hereto and made a part hereof.

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,

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

IN THE MATTER
OF
MICHAEL ANTHONY PASSIDOMO, M.D.

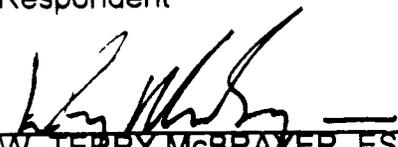
APPLICATION
FOR
CONSENT ORDER

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

DATE: _____

MICHAEL ANTHONY PASSIDOMO, M.D.
Respondent

DATE: 3/9/95


W. TERRY McBRAYER, ESQ.
Attorney for Respondent

DATE: 3-14-95


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

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT
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In the Matter : STATEMENT
of : OF
MICHAEL ANTHONY PASSIDOMO, M.D. : CHARGES
-----x

MICHAEL ANTHONY PASSIDOMO, M.D., the Respondent, was authorized to practice as a physician in New York State on January 28, 1974 by the issuance of license number 118872 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in the State of New York. His current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501.

FACTUAL ALLEGATIONS

- A. In an Agreed Order filed of record on April 1, 1994, the Commonwealth of Kentucky, State Board of Medical Licensure (hereinafter referred to as "the Kentucky Board")
-suspended Respondent's license to practice medicine in the state of Kentucky for a period of three months. The suspension was "probated for a period of three (3) years", subject to various terms of probation. This action was based upon a complaint filed of record on July 27, 1993 by the Kentucky Board in which it was charged:

- a. "Practicing the profession fraudulently or beyond its authorized scope" (Educ. Law sec. 6530 (2) (McKinney Supp. 1995)); and/or
- b. "Practicing the profession with gross negligence on a particular occasion" (Educ. Law sec. 6530 (4) (McKinney Supp. 1995)); and/or
- c. "Practicing the profession with gross incompetence" (Educ. Law sec. 6530 (6) (McKinney Supp. 1995)); and/or
- d. "Practicing the profession with negligence on more than one occasion" (Educ. Law sec. 6530 (3) (McKinney Supp. 1995)); and/or
- e. "Practicing the profession with incompetence on more than one occasion" (Educ. Law sec. 6530 (5) (McKinney Supp. 1995)); and/or
- f. "Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient" (Educ. Law sec. 6530 (35) (McKinney Supp. 1995)).

Dated: New York, New York
February 17, 1995


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

8. Thirty days prior to the commencement of the practice of medicine in New York State, or resumption of the practice of medicine in New York State if Respondent has not yet completed the two year period of probation, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such commencement or resumption of practice. Within one week of the discontinuance of the practice of medicine in the State of New York., if Respondent will not have completed the two year period of probation before such discontinuance, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such discontinuance.
9. During the two year period of probation, Respondent shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct. During these quarterly meetings, Respondent's professional performance shall be monitored by having a random selection of his office records, patient records, and hospital charts reviewed by such employee or designee. Respondent shall cooperate fully in making available such records and charts.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.