

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

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IN THE MATTER

MODIFICATION

OF

OF

ANNA MAJEROVICS, M.D.

CONSENT ORDER

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This matter was brought to the New York State Board for Professional Medical Conduct (Board) for decision at the request of Anna Majerovics, M.D., (Petitioner), License No. 161263. Petitioner entered into a Consent Order effective December 31, 1999. The Order suspended Petitioner's license to practice medicine for a minimum period of not less than four months. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of the Board for Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for active practice and that she is both fit and competent to practice medicine.

A meeting of the Committee was held in the above-entitled proceeding on May 10, 2002. Petitioner appeared with her attorney, Peter Millock, Esq. before a Committee of the State Board for Professional Medical Conduct consisting of Irving S. Caplan, Chair, Joseph A. Messina, M.D. and Peter B. Kane, M.D. The Committee determined, by unanimous decision, after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that the suspension of Petitioner's license shall be stayed and she shall be allowed to practice medicine subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's return to practice is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

1. Petitioner shall provide the Director of the Office of Professional Medical Conduct (OPMC) with the following information and shall ensure that such information is kept current: a full description of Petitioner's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State, and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.

2. Petitioner shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Petitioner's compliance with the terms of this Order. Petitioner shall personally meet with a person designated by the Director of OPMC as requested by the Director.

3. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of Petitioner's history. **Petitioner shall not self-prescribe any medications. Petitioner shall not treat or prescribe medications for any family member. Petitioner shall not be treated or prescribed medications by any family member.**

4. Petitioner's period of probation may be tolled, at the discretion of the Director of OPMC, during periods in which she is not practicing in New York State. Petitioner shall notify the Director of OPMC, in writing, if she intends to leave New York State for a period of thirty (30) consecutive days or more. Petitioner shall submit written notification to the Director of her intent to return to New York State at least thirty (30) days prior to her return. The period of probation shall resume upon Petitioner's return to New York State.

**Petitioner may not commence the active practice of medicine in New York State until all proposed monitors have been approved in writing by the Office of Professional Medical Conduct.**

5. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of the Office of Professional Medical Conduct (OPMC). The Sobriety Monitor is to be familiar with Petitioner's history of chemical dependency and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, directly observed, unannounced blood, breath and/or urine tests for the presence of alcohol and other drugs in Petitioner. The sobriety monitoring shall be conducted on a seven-days per week, twenty-four hours a day basis. Petitioner must be specifically tested for the presence of **opiates (Tylenol with Codeine)**. **Petitioner shall be screened at a frequency of no less than six (6) times per month for the first year. Thereafter, if Petitioner has been fully compliant with this Order, specimens shall be collected at the discretion of the monitor at a frequency to be approved by the Director of OPMC.**

b. The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.

c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the monitor otherwise learns, the Petitioner is not alcohol/drug free.

d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.

e. Petitioner shall report to the Sobriety Monitor **within four (4) hours** of being contacted by the Sobriety Monitor to submit a blood, breath and/or urine test.

f. Petitioner shall avoid all substances which may cause positive results such as poppy seeds/mouthwash/cough medication. **Any positive result will be considered a violation of this Order.**

g. If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or more, Petitioner shall notify her Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by the OPMC.

6. **Petitioner shall be restricted from prescribing controlled substances for one year from the effective date of this Order.** After that period, Petitioner may request that this restriction be lifted by submitting a written request, for approval in writing, to the Director of OPMC.

a. Within thirty (30) days of the effective date of this Order, Petitioner must submit written notification to the Drug Enforcement Administration concerning this restriction.

7. **Upon resumption of clinical practice, Petitioner shall practice no more than one-half day per week (4 to 5 hours) for the first six months. After this six-month period, upon the**

**recommendation of her Psychiatrist, and with the written approval of the Director of OPMC, Petitioner may increase her practice to one day per week (8 to 10 hours).** To further increase her practice hours, Petitioner must submit a written practice proposal, for approval in writing, to the Director of OPMC.

8. Petitioner shall be supervised in her practice by a licensed ophthalmologist (Practice Supervisor) proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor is to be familiar with Petitioner's history of chemical dependency and with the terms of this Order. The Practice Supervisor shall not be a family member or personal friend, or be in a professional role which would pose a conflict with supervision responsibilities. For the first six (6) months, the Practice Supervisor must be present at Petitioner's workplace for at least half of her practice day. Thereafter, the time frame that the Practice Supervisor must be onsite shall be determined by the Director of OPMC.

a. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner may not be drug or alcohol free

b. The Practice Supervisor shall immediately report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

c. The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order

d. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Petitioner's practice, any unexplained absences from work, and Petitioner's compliance or failure to comply with each condition described within this Order.

9. Petitioner shall continue in treatment with qualified health care professionals (Psychiatrist and Therapist) proposed by Petitioner and approved in writing by the Director of OPMC. The Psychiatrist and Therapist are to be familiar with the Petitioner's history of chemical dependency and the terms of this Order. Petitioner shall continue in treatment with her Psychiatrist and Therapist for a minimum of one year from the effective date of this Order, at a frequency of visits to be decided by the Psychiatrist and Therapist. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that the approved Therapist is no longer willing or able to serve in that capacity.

a. The Therapist shall submit a report to OPMC every three (3) months certifying compliance with treatment by Petitioner and describing in detail any failure to comply.

b. The Therapist shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.

10. Petitioner shall fully comply with the terms and conditions in Stipulation and Order CS-01-26.

11. The Director of OPMC shall reserve the authority to direct the Petitioner to undergo an independent evaluation by a practitioner, approved by the Director of OPMC, who specializes in chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of all previous treatment records and a copy of this Order. Reports of such evaluations shall be submitted promptly to the Director. Petitioner shall follow treatment recommendations made by the

evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease practice until it is determined she is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.

12. Petitioner shall continue participation in self-help fellowship (e.g., AA, NA, Caduceus, other). Petitioner shall maintain an ongoing relationship with a sponsor.

13. Petitioner shall inform all physicians or other health care practitioners from whom Petitioner seeks treatment of Petitioner's history of chemical dependency. Should Petitioner be prescribed any controlled or mood altering substances, Petitioner shall notify the Sobriety Monitor and the Director of OPMC before such medications are administered.

14. The Director of OPMC shall reserve the right to conduct on-site review of Petitioner's office, office records, hospital practice and hospital records at least semi-annually.

15. Petitioner 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.

16. Petitioner shall conduct herself in all ways in a manner befitting her professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession.

17. Petitioner shall comply with all terms, conditions, restrictions and limitations to which she is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of

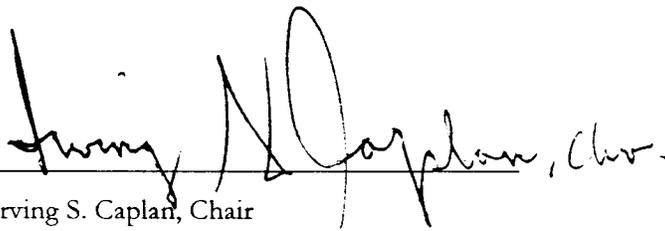
OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

Dated: Troy, NY

June 15, 2002

  
Irving S. Caplan, Chair  
State Board for Professional Medical Conduct