



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

April 22, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roberto Armando Ticas, M.D.
c/o David Bires, Esq.
Bires & Schaffer
600 Travis, Suite 3000
Houston, Texas 77002

RE: License No. 181100

Effective Date: 04/29/96

Dear Dr. Ticas:

Enclosed please find Order #BPMC 96-94 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

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

Enclosure

cc: David Bires, Esq.
Bires & Schaffer
600 Travis, Suite 3000
Houston, Texas 77002

Marica E. Kaplan, Esq.

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

IN THE MATTER
OF
ROBERTO ARMANDO TICAS, M.D.

SURRENDER
ORDER
BPMC #96-94

Upon the Application of ROBERTO ARMANDO TICAS, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

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: April 22, 1996

Charles J. Vacanti, M.D.
for 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
ROBERTO ARMANDO TICAS, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF)
COUNTY OF) ss.:

ROBERTO ARMANDO TICAS, M.D., being duly sworn, deposes and says:

On or about December 26, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 181100 by the New York State Education Department.

My current address is in El Salvador. I can be reached through my attorney, David Bires, Esq., Bires & Schaffer, 600 Travis, Suite 3000, Houston TX 77002, 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 one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

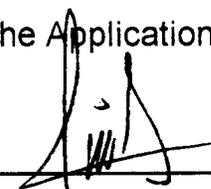
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit the First Specification in full satisfaction of the Statement of Charges.

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.

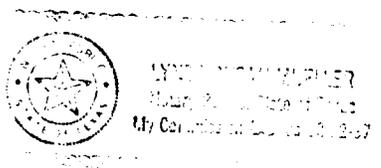
I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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



ROBERTO ARMANDO TICAS, M.D.
Respondent

Sworn to before me this 12th
day of April, 1996
Lynda Susan Myer
NOTARY PUBLIC



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

IN THE MATTER
OF
ROBERTO ARMANDO TICAS, M.D.

APPLICATION TO
SURRENDER
LICENSE

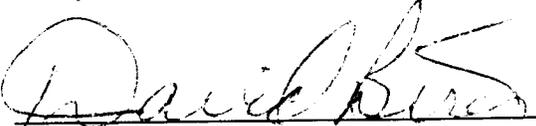
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 4-12, 1996



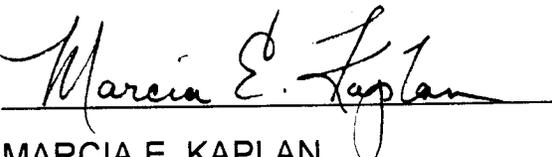
ROBERTO ARMANDO TICAS, M.D.
Respondent

Date: 4-12, 1996



DAVID BIRES, Esq.
Attorney for Respondent

Date: April 16, 1996



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: April 15, 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical Conduct

Date: April 22, 1996

Charles J. Vacanti, M.D.

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

IN THE MATTER
OF
ROBERTO ARMANDO TICAS, M.D.

STATEMENT
OF
CHARGES

Roberto Armando Ticas, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 26, 1989, by the issuance of license number 181100 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 9, 1995, the Texas State Board of Medical Examiners entered an Agreed Order, with Respondent's consent, suspending Respondent's medical license until such time as Respondent requests in writing to have the suspension stayed or lifted, and personally appears before the Board, and provides sufficient evidence and information which in the discretion of the Board adequately indicates that Respondent is physically, mentally and otherwise competent to safely practice medicine, including, but not limited to, proof of final resolution of the criminal action now pending against Respondent in Brazoria County. The Agreed Order specifies, in pertinent part, that in the event Respondent is found guilty of or convicted of a felony or misdemeanor involving moral turpitude based on the pending criminal charges, Respondent's license shall be revoked by entry of a Board order without further due process upon certified true copies of such a finding of guilt or conviction. The Agreed Order also requires Respondent to fully cooperate with the Board to verify compliance with the terms of the Order, to

comply with statutes regulating the practice of medicine for physicians licensed by the Texas Board and to inform the Board in writing within ten days of any change of address. Upon an adequate showing before the Board that Respondent is able to safely practice medicine, the Order provides that the suspension of Respondent's medical license shall be stayed and Respondent shall be placed on probation for ten years upon terms the Board in its discretion determines are necessary to adequately protect the public.

The Texas Board found that Respondent had violated the Medical Practice Act, V.A.C.S., article 4495b, as follows: Section 3.08(3) by his intemperate use of alcohol or drugs, Section 3.08(4), by his unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, Section 3.08(4)(A), by his commission of an act in violation of the laws of the State of Texas connected with his practice of medicine, Section 3.08(4)(E), by his prescribing or administering a drug or treatment nontherapeutic in nature or in the manner administered or prescribed, and Section 3.08(18), by his failure to practice medicine in an acceptable manner consistent with public health and welfare. The Board found the following: that on or about July 30th and August 6th of 1994, Respondent exhibited behavioral changes and concerns were raised that his capacity to function as a physician had been reduced; that during July and August of 1994, Respondent self-medicated for depression and asthma, and consumed beer while on medications he self-prescribed; that Respondent submitted to a 96-hour inpatient evaluation, including a comprehensive addictive disease and psychiatric assessment, and the evaluation indicated that Respondent's ability to function as a physician was impaired by alcohol use; that on January 6, 1995, Respondent and the Board entered into an Agreed Order in which the

Board found that Respondent had engaged in "the intemperate use of alcohol or drugs that, in the opinion of the Board, could endanger the lives of patients" in violation of Section 3.08(3) and suspended Respondent's Texas medical license, stayed the suspension, and placed Respondent on probation for five years under various terms and conditions; that on or about May 30, 1995 Respondent ingested alcohol, was arrested by the Brazoria County Sheriff's Department, and was subsequently charged with public intoxication; that in a report dated September 7, 1995, Respondent's treating psychiatrist reported that Respondent suffered a relapse into the use of alcohol "during midsummer of this year"; that Respondent's ingestion of alcohol was in violation of the January 6, 1995 Agreed Order; that Respondent failed to report his ingestion of alcohol to the Texas Board, as required under the January 6, 1995 Order; that on or about February 14, 1995, Respondent prescribed forty Vicodin, a schedule III controlled substance, together with one refill for the same amount and ten Xanax, a schedule IV controlled substance, together with one refill for the same amount, to an undercover agent employed by the Brazoria County Sheriff's Department; that on or about March 16, 1995, Respondent prescribed fifty Vicodin, together with one refill for the same amount, to an undercover agent employed by the Brazoria County Sheriff's Department; that on April 19, 1995 Respondent prescribed fifty Vicodin, together with one refill for the same amount, to an undercover agent employed by the Brazoria County Sheriff's Department, that Respondent's prescriptions for Vicodin and Xanax were not prescribed for a valid medical purpose; that Respondent altered medical records to attempt to substantiate the prescriptions for Vicodin and Xanax; that on or about July 13, 1995, Respondent was indicted by the Brazoria County Grand Jury on four counts of fraudulent delivery of a controlled substance, that on October 14, 1995, and that the Disciplinary

Panel of the Board entered a Temporary Suspension Order based on the foregoing facts.

This conduct, if committed in New York state, would constitute professional misconduct under N.Y. Educ. Law §§ 6530 (McKinney Supp. 1996), as follows: 6530(2) (practicing the profession fraudulently); 6530(8)(being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects); and/or 6530(35) (ordering of excessive treatment not warranted by the condition of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF

PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1996) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state {namely N.Y. Educ. Law §§ 6530(2)(8) and/or (35)} as alleged in the facts of the following:

1. Paragraph A.

DATED: February 1, 1996
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct