

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

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IN THE MATTER :
OF : ORDER
HILDA JAYAWARDENA, M.D. : #BPMC 91-11

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Upon the application of HILDA JAYAWARDENA, M.D., which application is made a part hereof, it is

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

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 8 November 91

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

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

IN THE MATTER : AGREEMENT
OF : TO
HILDA JAYAWARDENA, M.D. : CONSENT
: ORDER

STATE OF NEW YORK)
COUNTY OF DUTCHESS) SS.:

HILDA JAYAWARDENA, M.D., being duly sworn, deposes and says that:

On or about March 7, 1975, I was licensed to practice as a physician in the State of New York, having been issued License No. 123119 by the New York State Education Department.

My current address is: 1 Oxford Road, Pleasant Valley, New York 12569.

I understand that the New York State Board of Professional Medical Conduct (the Board) has charged me with eleven specifications 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 of the eleven specifications set forth in the Statement of Charges.

I hereby agree to the following penalty: a censure and reprimand, and compliance with the the terms of probation set forth in Exhibit "B" annexed hereto, during a probationary period of two years from date of service of the Consent Order.

I hereby sign this agreement and request that it be signed by all signatories set forth below. I understand that, in the event that this agreement is not signed by all signatories, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, and this document 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.

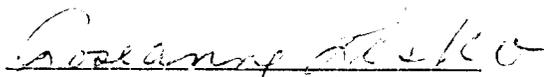
I understand that, in the event this agreement is signed by all signatories set forth below, an order of the Board will be issued in accordance with same.

No promises of any kind were made to me. I am signing this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



HILDA JAYAWARDENA, M.D.
Respondent

Sworn to before me this
17th day of OCTOBER, 1991.



NOTARY PUBLIC
Roseanne Lesko
Notary Public, State of New York
No. 24-4532702
Qualified in Ulster County
Term Expires July 31, 1992

The undersigned agree to the above.

Date: Oct. 16, 1991



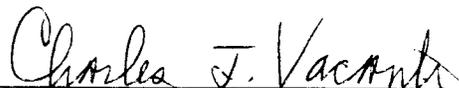
KEVIN P. DONOVAN
Assistant Counsel
New York State Department of Health

Date: Nov. 8, 1991



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 8 November 91



CHARLES J. VACANTI, M.D.
Chairman, State Board for
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
HILDA JAYAWARDENA, M.D. : CHARGES

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HILDA JAYAWARDENA, M.D., the Respondent, was authorized to practice medicine in New York State on March 7, 1975, by the issuance of license number 123119 by the New York State Education Department. Respondent's address is 1 Oxford Road, Pleasant, New York 12569.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A during each of the following hospitalizations at Arden Hill Hospital, Harriman Drive, Goshen, New York 10924 (hereinafter Arden Hill Hospital).

1. Respondent failed to record a discharge summary for Patient A's treatment at Arden Hill Hospital from on or about December 7, 1984, to December 24, 1984.
2. Respondent failed to record a discharge summary for Patient A's treatment at Arden Hill Hospital from on or about March 7, 1985, to March 29, 1985.
3. Respondent failed to record a discharge summary for Patient A's treatment at Arden Hill Hospital from on or about July 25, 1985, to September 5, 1985.

EXHIBIT A

4. Respondent failed to record a discharge summary for Patient A's treatment at Arden Hill Hospital from on or about September 10, 1985, to September 17, 1985.

B. Respondent treated Patient B during each of the following hospitalizations at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient B.

1. Respondent failed to record a discharge summary for Patient B's treatment at Arden Hill Hospital from on or about April 26, 1985, to June 11, 1985.
2. Respondent failed to record a discharge summary for Patient B's treatment at Arden Hill Hospital from on or about September 23, 1985, to September 29, 1985.

C. Respondent treated Patient C during each of the following hospitalizations at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient C.

1. Respondent failed to record a discharge summary for Patient C's treatment at Arden Hill Hospital from on or about August 7, 1985, to August 4, 1985.
2. Respondent failed to record a discharge summary for Patient C's treatment at Arden Hill Hospital from on or about August 14, 1985, to August 21, 1985.

D. Respondent treated Patient D from on or about November 29, 1984, to December 6, 1984, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient D.

E. Respondent treated Patient E from on or about January 3, 1985, to February 18, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient E.

F. Respondent treated Patient F from on or about June 19, 1985, to July 22, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient F.

G. Respondent treated Patient G from on or about July 30, 1985, to August 16, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient G.

H. Respondent treated Patient H from on or about August 29, 1985, to September 20, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient H.

I. Respondent treated Patient I from on or about September 6, 1985, to September 28, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient I.

J. Respondent treated Patient J from on or about September 12, 1985, to September 25, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient J.

K. Respondent treated Patient K from on or about October 16, 1985, to October 30, 1985, at Arden Hill Hospital. Respondent failed to record a discharge summary for Patient K.

FIRST THROUGH ELEVENTH SPECIFICATIONS

INADEQUATE MEDICAL RECORDS

The Respondent is charged with committing professional misconduct under N.Y. Educ. Law §6530(32) (added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(9) (McKinney 1985) and 8 NYCRR §29.2(a)(3)(1989)] by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

1. The facts in paragraph A and A.1., A.2., A.3., and/or A.4.
2. The facts in paragraph B and B.1. and/or B.2.
3. The facts in Paragraph C and C.1. and/or C.2.
4. The facts in Paragraph D.
5. The facts in Paragraph E.
6. The facts in Paragraph F.
7. The facts in Paragraph G.
8. The facts in Paragraph H.
9. The facts in Paragraph I.
10. The facts in Paragraph J.
11. The facts in Paragraph K.

DATED: Albany, New York
September 30, 1991

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

HILDA JAYAWARDENA, M.D.

During the probationary period, Respondent shall fully and in a timely manner, comply with the following conditions:

1. Conduct herself in a manner befitting her professional status, and conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. Comply with all federal, state and local laws, rules and regulations;
3. Submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, Room 438, Empire State Plaza, Albany, New York 12237, of the nature of Respondent's employment, of Respondent's residence and business addresses and telephone numbers, and immediately notify the Director of any change in the items mentioned in this paragraph.
4. Make periodic visits upon reasonable notice to a person designated by the Office of Professional Medical Conduct, cooperate in an interview regarding Respondent's compliance with the terms of probation, and demonstrate that the Respondent is maintaining adequate and correct patient records by, among other things, producing patient records as requested by the designee of OPMC.
5. No portion of the period of probation shall be deemed to run during any time that Respondent has removed her practice of medicine to a jurisdiction other than New York State.
6. In the event Respondent fails to comply with any term or condition of probation, Respondent shall be subject to disciplinary action and/or a violation of probation proceeding. If a committee on professional conduct determines that Respondent has violated any term or condition of probation, they may impose any penalty authorized pursuant to N.Y. Public Health §230-a (L. 1991, c. 606).