



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 308 Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

PUBLIC

July 16, 2003
Dennis P. Whalen
Executive Deputy Commissioner

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – 4th Floor
Troy, New York 12180

Mary Chaglassian, M.D.
4 Deepdene Road
Forest Hills, New York 11375

Mary Chaglassian, M.D.
James Rudel Center
86-15 Queens Road
Elmhurst, New York 11373

RE: In the Matter of Mary Chaglassian, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-82) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

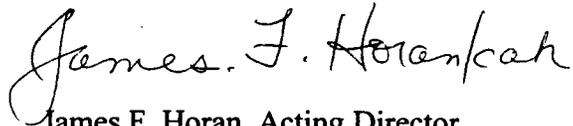
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street-Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in cursive script that reads "James F. Horan/cak". The signature is written in black ink and is positioned above the printed name and title.

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah
Enclosure

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

In the Matter of

Mary Chaglassian, M.D. (Respondent)

Administrative Review Board (ARB)

**A proceeding to review a Determination by a
Committee (Committee) from the Board for
Professional Medical Conduct (BPMC)**

Determination and Order No. 03-82

**Before ARB Members Grossman, Lynch, Pellman, Price and Briber
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner):
For the Respondent:**

**Paul Robert Maher, Esq.
Pro Se**

COPY

After a hearing below, a BPMC Committee dismissed charges that the Respondent engaged in professional misconduct. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c(4)(a)(McKinney 2003), the Petitioner asks the ARB to nullify that Determination and to sustain charges that the Respondent's criminal conviction, for attempted petit larceny, constituted professional misconduct. After considering the record on review, the ARB overturns the Hearing Committee and sustains the misconduct charges, but we vote 4-1 against imposing any penalty for the misconduct.

Committee Determination on the Charges

The Petitioner charged that the Respondent violated N. Y. Educ. Law § 6530(9)(a)(i). That statute defines physician professional misconduct to include: engaging in conduct that resulted in the Respondent's conviction for a crime under New York Law. An expedited hearing (Direct Referral Proceeding) ensued pursuant to N.Y. Pub. Health Law §230(10)(p)(McKinney

Supp. 2003), before a BPMC Committee, which rendered the Determination now on review. In the Direct Referral Proceeding, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, see In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The Committee found that the Respondent entered a guilty plea to Attempted Petit Larceny in Nassau County District Court on November 18, 2002. The Court sentenced the Respondent to pay a \$500.00 fine. The Committee found that the Respondent shoplifted an item from a store, after succumbing to a sudden impulse. The Committee found further that the Respondent never committed a previous criminal act and that the Respondent suffers great remorse. The Committee noted that the Respondent has also entered counseling to try to understand her behavior.

The Committee concluded that the Respondent's crime constituted an isolated act, with no likelihood for repeat behavior. The Committee also concluded that the Respondent received sufficient punishment for the single act and that any additional penalty would serve no useful purpose. The Committee voted to dismiss the action in the interests of justice.

Review History and Issues

The Committee rendered their Determination on March 28, 2003. This proceeding commenced on April 2, 2003, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record and the Petitioner's brief. The record closed when the ARB received the brief on April 9, 2003.

The Petitioner argues that the Committee's Determination contradicts the evidence, such as the Respondent's acknowledgement that she committed the crime. The Petitioner argues that

the Committee may exercise its discretion in deciding whether or not to impose a penalty for misconduct, but that discretion does not permit a Committee to dismiss proven charges.

The Respondent provided no review submission.

Determination

The ARB has considered the record and the parties' briefs. We vote 5-0 to overturn the Committee and to sustain the charge that the Respondent's criminal conviction made the respondent subject to disciplinary action under N. Y. Educ. Law § 6530(9)(a)(i). We vote 4-1, however, against imposing any professional disciplinary sanction against the Respondent. We agree with the Committee that the Respondent's criminal conduct constituted an aberration, with little chance for repeat misconduct. The Respondent has demonstrated remorse for her conduct, entered counseling and received an adequate penalty for her conduct from the Nassau County District Court. The dissenting member would impose a fine.

ORDER

NOW, with this Determination as our basis, the ARB renders the following **ORDER**:

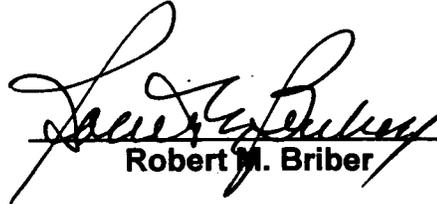
1. The ARB overturns the Committee and holds that the Respondent committed professional misconduct.
2. The ARB votes 4-1 to impose no penalty.

Robert M. Briber
Thea Graves Pellman
Winston S. Price, M.D.
Stanley L. Grossman, M.D.
Therese G. Lynch, M.D.

In the Matter of Mary Chaglassian, M.D.

Robert M. Briber, an ARB Member, concurs in the Determination and Order in the Matter of Dr. Chaglassian.

Dated: July 11, 2003


Robert M. Briber

In the Matter of Mary Chaglassian, M.D.

Thea Graves Pellman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Chaglassian.

Dated: July 8, 2003



Thea Graves Pellman

In the Matter of Mary Chaglassian, M.D.

Winston S. Price, M.D., an ARB Member affirms that he took part in the deliberations in this case and that this Determination and Order reflects the decision of the ARB majority in the Matter of Dr. Chaglassian.

Dated: July 7, 2003

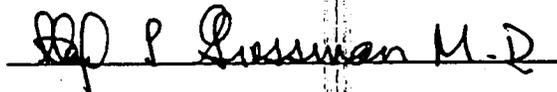
A handwritten signature in black ink, appearing to read "W. S. Price", written over a horizontal line.

Winston S. Price, M.D.

In the Matter of Mary Chaglassian, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the Matter of Dr. Chaglassian.

Dated: July 10, 2003



Stanley L Grossman, M.D.

In the Matter of Mary Chaglassian, M.D.

**Therese G. Lynch, M.D., an ARB Member concurs in the Determination and Order in
the Matter of Dr. Chaglassian.**

Dated: July 7, 2003

Therese G. Lynch M.D.

Therese G. Lynch, M.D.