



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 29, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Bogdan Bakalov, M.D.

REDACTED

RE: License No.: 153329

Dear Dr. Bakalov:

Enclosed please find Order #BPMC 99-324 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 29, 1999.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

REDACTED
Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: James Fabian, Esq.
Nixon Peabody LLP
437 Madison Avenue
New York, NY 10022-7001

Silvia P. Finkelstein, Esq.

to perform termination(s) of pregnancy procedures only in facilities licensed pursuant to Article 28 of the N.Y. Public Health Law. Said limitation shall remain in effect until and unless modified by further order of the Board.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the

effective date of the Consent Order and will continue while the licensee possesses his/her license.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

DATED 11/02/99

REDACTED

BOGDAN BAKALOV, M.D.
RESPONDENT

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

DATE: 12/6/99

REDACTED

JAMES FABIAN, ESQ.
Attorney for Respondent

DATE: 12/9/99

REDACTED

SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: December 16, 1999

REDACTED

ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

**IN THE MATTER
OF
BOGDAN BAKALOV, M.D.**

**CONSENT
ORDER**

Upon the proposed agreement of BOGDAN BAKALOV, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 12/22/99

REDACTED

WILLIAM P. DILLON, 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
BOGDAN BAKALOV, M.D.

STATEMENT
OF
CHARGES

BOGDAN BAKALOV, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 11, 1983, by the issuance of license number 153329 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. At all times herein mentioned Respondent was an obstetrician-gynecologist with offices located at the Queens Women's Medical Service (QWMS), 92-11 Roosevelt Avenue, Jackson Heights, New York 11372.
1. On or about September 23, 1996, between 2:20 p.m. and 3:55 p.m., Respondent performed eight (8) terminations of pregnancy on Patients A through H with 5-10 minute overlap among the patients. During said period of time Respondent failed to adequately supervise the Certified Registered Nurse Anesthetist who was

EXHIBIT "A"

administering general anesthesia to the patients.

2. Respondent failed to maintain medical records which accurately reflect the condition of Patients A through H intra-operatively or post-operatively.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILING TO EXERCISE APPROPRIATE SUPERVISION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(33)(McKinney Supp. 1999) by failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee, as alleged in the facts of:

1. Paragraphs A and A.1.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998), in that he failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

2. Paragraphs A and A.2.

DATED: October , 1999
New York, New York

REDACTED

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of all office records, all patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at all practice locations or OPMC offices. OPMC shall also have the authority to conduct unannounced visits and/or inspections of Respondent's practice locations.
6. Respondent 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.
7. Within 45 days of the effective date of this order, Respondent shall only perform termination of pregnancy procedures in licensed Article 28 facilities. Any such Article 28 facility shall have anesthesia protocols in place that at a minimum include:
 - a. The use of a pulse oximeter, EKG and blood pressure input to which each patient will be connected and which will provide a continuous readout during each procedure; and
 - b. Intra-operative monitoring of each patient shall include at least two of the following: continual blood pressure monitoring using automatic inflation at

regular intervals; continuous peripheral blood flow (pulse oximetry); continuous electrocardiographic display. Additional monitoring equipment shall include use of a precordial or pretracheal stethoscope, and temperature probe. The recording of the monitors may be either automatic or by hand in a timely fashion; standard time intervals shall not exceed five (5) minutes.

8. Respondent shall propose to OPMC, within 30 days of the effective date of this order, an Article 28 based practice arrangement in which he proposes to enter for approval in writing by the Director of the OPMC, prior to the commencement of employment. Further, as a precondition for such approval, any Article 28 facility at which Respondent practices shall agree to report to OPMC any deviation by Respondent from accepted standards of medical care and/or any failure by Respondent to comply with any of the terms of probation set forth herein, within 24 hours of the identification of such perceived deviation or/or non-compliance.
9. Pursuant to paragraphs 8 and 9, above, Respondent shall perform terminations of pregnancy only when supervised in his medical practice. The practice supervisor shall be on-site at all locations where Respondent performs terminations of pregnancy unless determined otherwise by the Director of OPMC. The practice supervisor shall be proposed by Respondent and subject to the written approval of the Director. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities:
10. Respondent shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to OPMC. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's performance of terminations of pregnancy. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
11. Respondent shall authorize the practice supervisor to have access to his patient records related to terminations of pregnancy and to submit quarterly written reports, to the Director of OPMC, regarding Respondent's practice. These narrative reports shall address Respondent's clinical practice related to terminations of pregnancy, including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report.
12. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. 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 Respondent as may be authorized pursuant to the law.