



**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**

Mary C. Finn, M.D.  
32 Folmsbee Drive  
Menands, New York 12204

RE: License No. 165609

Effective Date: 04/29/96

Dear Dr. Finn:

Enclosed please find Order #BPMC 96-100 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: Barry A. Gold, Esq.  
Thuillez, Ford, Gold & Connolly, LLP  
90 State Street, Suite 1500  
Albany, New York 12207-1715

Kevin C. Roe, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
MARY C. FINN, M.D. : BPMC #96-100

-----X

Upon the Application of MARY C. FINN, M.D., to surrender 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

Nathan P Reed MD

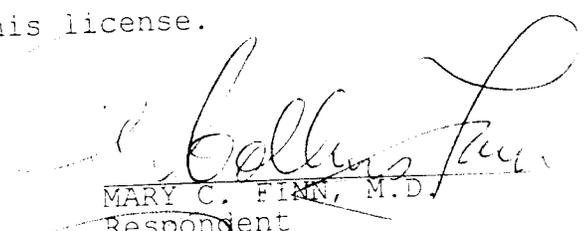
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
MARY C. FINN, M.D. : LICENSE  
-----X

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

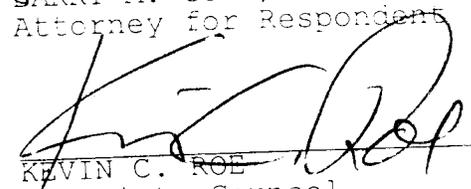
Date: April 1, 1996

  
MARY C. FINN, M.D.  
Respondent

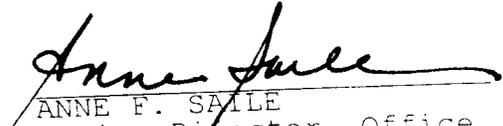
Date: April 7, 1996

  
BARRY A. GOLD, ESQ.  
Attorney for Respondent

Date: April 18, 1996

  
KEVIN C. ROE  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: April 19, 1996

  
ANNE F. SAILLE  
Acting Director, Office  
of Professional Medical Conduct

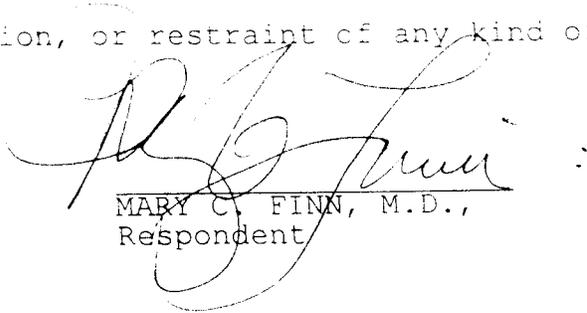
Date: April 22, 1996

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

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.

  
MARY C. FINN, M.D.,  
Respondent

Sworn to before me this  
24 day of MARCH, 1996  
  
NOTARY PUBLIC

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
MARY C. FINN, M.D. : LICENSE

-----X

STATE OF NEW YORK )

ss.:

COUNTY OF ALBANY )

MARY C. FINN, M.D., being duly sworn, deposes and says:

On or about March 10, 1986, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 163609 by the New York State Education Department.

I understand that I have been charged with eighteen specifications 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 do not contest the eighteenth specification as it relates to paragraphs B, E, F and H.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
MARY COLLINS FINN, M.D. : CHARGES

-----X

MARY COLLINS FINN, M.D. the Respondent, was authorized to practice medicine in New York State on March 10, 1986 by the issuance of license number 165609 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent treated Patient A from on or about October of 1991, to on or about February 25, 1992. On February 12, 1992, Respondent performed breast reduction surgery on Patient A at St. Mary's Hospital, Troy, New York. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care in that:

1. Respondent marked the patient's breasts for surgery while the patient was in a supine position.
2. Respondent inappropriately extended the incisions into both anterior axillary lines without adequate medical justification.
3. Respondent failed to properly position the nipples and areola.
4. Respondent failed to examine Patient A and/or change her wound dressings in a timely manner after discharge from the hospital.

B. Respondent treated Patient B from on or about June 21, 1991, to on or about October 18, 1991. On August 26, 1991, Respondent performed breast reduction surgery on Patient B at St. Mary's Hospital. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain preoperative photographs.
2. Respondent failed to remove adequate breast tissue.
3. Respondent failed to properly position the nipples and areola.
4. Respondent inappropriately caused extensive scarring.

C. Respondent treated Patient C from on or about April 5, 1991, to on or about May 3, 1991. On or about April 26, 1991, Respondent performed breast augmentation surgery on Patient C at the Albany Memorial Hospital. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain preoperative photographs.
2. Respondent inappropriately placed the breast implant subglandularly on the left.
3. Respondent failed to recognize the difference in position of the implants post-operatively.

D. Respondent treated Patient D from on or about March 15, 1989, to on or about May 23, 1989. On or about March 20, 1989, Respondent performed rhinoplasty on Patient D at St. Peter's Hospital, Albany, New York. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain preoperative photographs.
2. Respondent failed to adequately reposition and immobilize the anatomic structures that had been displaced by a traumatic incident.
3. Respondent over-resected the nasal septum.
4. Respondent over-resected the upper lateral cartilage on the right side.
5. Respondent caused an approximately one inch in diameter septal fistula.

E. Respondent treated Patient E from on or about February 4, 1992, to on or about April 21, 1992. On March 26, 1992, Respondent performed rhinoplasty on Patient E at the Leonard Hospital, Troy, New York. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain preoperative photographs.
2. Respondent inappropriately created a septal perforation.
3. Respondent overresected the proximal third and underresected the distal third of the nose.

F. Respondent treated Patient F on or about October 24, 1991, at Albany Memorial Hospital, Albany, New York for surgical removal of a benign lesion of his heel. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent cancelled surgery after anesthesia had been administered without adequate medical justification.

G. Respondent treated Patient G on or about July of 1990. On or about July 12, 1990 Respondent performed a ray amputation of Patient G's right great toe at St. Peter's Hospital. Respondent's care and treatment of Patient G failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain preoperative vascular studies of the right lower extremity.
2. Respondent failed to obtain a consultation from a vascular surgeon.
3. Respondent failed to obtain a preoperative x-ray of the right foot.
4. Respondent failed to obtain a culture and sensitivity prior to surgery.

H. On repeated occasions from on or about April 20, 1993 to on or about September 13, 1993, Respondent failed to be available while on call for the Emergency Departments of St. Mary's Hospital and Leonard Hospital, Troy, New York.

#### SPECIFICATIONS

#### FIRST THROUGH EIGHTH SPECIFICATIONS

#### GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of N.Y. Educ. Law §6530(4) (McKinney Supp. 1995) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3 and/or A.4.

2. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
3. The facts in Paragraphs C and C.1., C.2, and/or C.3.
4. The facts in Paragraphs D and D.1, D.2, D.3, D.4, and/or D.5.
5. The facts in Paragraphs E and E.1, E.2, and/or E.3.
6. The facts in Paragraphs F and F.1.
7. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.
8. The facts in Paragraphs H.

NINTH THROUGH SIXTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of N.Y. Educ. Law §6530(6) (McKinney Supp. 1995) in that, Petitioner charges:

9. The facts in Paragraphs A and A.1, A.2, A.3 and/or A.4.
10. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
11. The facts in Paragraphs C and C.1., C.2, and/or C.3.
12. The facts in Paragraphs D and D.1, D.2, D.3, D.4, and/or D.5.
13. The facts in Paragraphs E and E.1, E.2, and/or E.3.
14. The facts in Paragraphs F and F.1.
15. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.
16. The facts in Paragraphs H.

SEVENTEENTH SPECIFICATION  
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995) in that, Petitioner charges two or more of the following:

17. The facts in Paragraphs A and A.1, A.2, A.3, A.4; B and B.1, B.2, B.3, B.4; C and C.1, C.2, C.3; D and D.1, D.2, D.3, D.4, D.5; E and E.1, E.2, E.3; F and F.1; G and G.1, G.2, G.3, G.4; and/or H.

EIGHTEENTH SPECIFICATION  
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) in that, Petitioner charges two or more of the following:

18. The facts in Paragraphs A and A.1, A.2, A.3, A.4; B and B.1, B.2, B.3, B.4; C and C.1, C.2, C.3; D and D.1, D.2, D.3, D.4, D.5; E and E.1, E.2, E.3; F and F.1; G and G.1, G.2, G.3, G.4; and/or H.

DATED: *April 18, 1996*  
Albany, New York

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