

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12230

OFFICE OF PROFESSIONAL DISCIPLINE, A.V. ZOGG BLDG., 800 FOURTH STREET, RM. 317, LIVERPOOL, NEW YORK 13088

RECEIVED  
JUL 06 1995  
MEDICAL CONDUCT

June 28, 1995

Rochelle Konits, Physician  
9 St. John's Avenue  
Hicksville, New York 11801

Re: Application for Restoration

Dear Dr. Konits:

Enclosed please find the Commissioner's Order regarding Case No. 95-71-60R which is in reference to Calendar No. 0013977. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations

By: *Gustave Martine*

Gustave Martine  
Supervisor

cc: Sharon C. Konits, Esq. and Ronald Podolsky, Esq.  
300 Rabro Drive, Suite 142  
Hauppauge, New York 11788

The University of the State of New York  
Education  Department

IN THE MATTER

of the

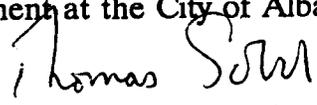
Application of ROCHELLE KONITS  
for restoration of his license to practice  
as a physician in the State of New York

Case No. 95-71-60R

It appearing that the license of ROCHELLE KONITS, 9 St. John's Avenue, Hicksville, New York 11801, to practice as a physician in the State of New York, was revoked by action of the Board of Regents on November 21, 1986, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on June 9, 1995, it is hereby

ORDERED that the petition for restoration of License No. 144340, authorizing ROCHELLE KONITS to practice as a physician in the State of New York, is denied, but that the execution of the order of revocation of said license is stayed in part at this time, and insofar as the applicant is permitted the opportunity to apply for, obtain and no later than one year from the effective date of this order, to commence, a residency program in New York State, said residency program to be paid for and chosen by the applicant and previously approved in writing, by the Department, and petitioner is placed on probation for a period of two years under the attached terms and conditions.

IN WITNESS WHEREOF, I, THOMAS SOBOL,  
Commissioner of Education of the State of New York,  
for and on behalf of the State Education Department, do  
hereunto set my hand and affix the seal of the State  
Education Department at the City of Albany, this 20<sup>th</sup>  
day of June, 1995.

  
Commissioner of Education



Case No. 95-71-60R

It appearing that the license of ROCHELLE KONITS, 9 St. John's Avenue, Hicksville, New York 11801, to practice as a physician in the State of New York, having been revoked by action of the Board of Regents on November 21, 1986, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on June 9, 1995 it was

VOTED that the petition for restoration of License No. 144340, authorizing ROCHELLE KONITS to practice as a physician in the State of New York, be denied, but that the execution of the revocation of said license be stayed in part at this time, and insofar as petitioner is permitted the opportunity to apply for, obtain, and no later than one year from the effective date of the Commissioner's Order in this matter, to commence a residency program in New York State, said residency program to be paid for and chosen by the applicant and previously approved, in writing, by the Department, and petitioner be placed on probation for two years under specified terms and conditions.

## TERMS AND CONDITIONS

1. That, during the two year period of probation, respondent shall not practice, offer to practice, or hold herself out as being able to practice as a physician in the State of New York, except insofar as she is permitted to apply for, obtain, and complete the residency program referred to on page 16 of the report of the Panel which heard the restoration application;
2. That respondent shall have quarterly performance reports submitted to the New York State Health Department, addressed to the Director, Office of Professional Medical Conduct of the New York State Department of Health, Empire State Plaza, Albany, New York 12234 from her supervisor in the residency program referred to on page 16 of the report of the Panel which heard the restoration application;
3. That respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
4. That respondent shall submit written notification to the Director, Office of Professional Medical Conduct of the New York State Department of Health, Empire State Plaza, Albany, New York 12234, as aforesaid, of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
5. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Health Department, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
6. That respondent shall submit written proof to the New York State Health Department, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
7. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Health Department may initiate a violation of probation proceeding and/or such other appropriate proceedings.

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Medical License

Re: Rochelle Konits aka  
Rochelle Konits Lieberman

Attorneys: Sharon Cerelle Konits  
and Ronald Podolsky

Rochelle Konits, 9 St. Johns Avenue, Hicksville, New York 11801, petitioned for restoration of her medical license. The chronology of events is as follows:

- 10/24/80 Licensed to practice medicine in New York State.
- 12/05/85 Found guilty of the crimes of Conspiracy in the Fifth Degree, Criminal Sale of Controlled Substances in the Fifth Degree, Criminal Possession of a Hypodermic Instrument, violating Section 3331(1) of the Public Health Law, and violating Section 3335(1) of the Public Health Law.
- 10/23/86 Regents Review Committee recommended that license be revoked.
- 11/21/86 Board of Regents voted revocation.
- 01/21/87 Commissioner's Order effective.
- 02/11/91 Petition for restoration submitted.
- 12/17/93 Peer Panel restoration review.
- 12/02/94 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 03/29/95 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

**Disciplinary History.** (See attached report of the Regents Review Committee.) On December 5, 1985, after a jury trial, Dr. Konits was found guilty of the crimes of Conspiracy in the Fifth Degree, Criminal Sale of Controlled Substances in the Fifth Degree, Criminal Possession of a Hypodermic Instrument, and violating Sections 3381(1) and 3335(1) of the Public Health Law.

The conspiracy of which Dr. Konits was convicted was to commit the crime of Assault in the Second Degree by intentionally causing stupor, unconsciousness or other physical impairment or injury to

an individual by administering to him, without his consent, a drug, substance or preparation capable of producing the same for a purpose other than lawful medical or therapeutic treatment. The controlled substance that was the object of the Criminal Sale was Placidyl. The violations of the Public Health Law involved the unlawful furnishing or sale of a hypodermic syringe or needle to another person and involved the prescription, not in good faith and not in the course of professional practice, of Valium.

On October 23, 1986, the Regents Review Committee (Sclafani, Bolin, Picariello) recommended that Dr. Konits' license to practice medicine be revoked. On November 21, 1986, the Board of Regents voted to revoke her license. The Commissioner's Order became effective on January 21, 1987.

**Recommendation of the Peer Review Panel.** (See attached report of the Peer Review Panel.) The Peer Review Panel (Diamond, Lopez, Riggins) met on December 17, 1993. In its report, dated December 2, 1994, the Panel recommended that the revocation of Dr. Konits' license be stayed, and that she be placed on probation for two years under specified terms and conditions. It was further recommended that during her period of probation Dr. Konits not be allowed to practice medicine except that she is permitted the opportunity to apply for, obtain, and, no later than one year from the effective date of the determination of the Board of Regents, commence a residency program in New York State. Upon submission of written proof that she has successfully completed the entire approved residency program, the Panel recommended that her license be restored.

**Recommendation of the Committee on the Professions.** On March 29, 1995, Dr. Rochelle Konits met with the Committee on the Professions (Szetela, Sauer, Nolan.) She was accompanied by Sharon Konits, Esq. and Ronald Podolsky, Esq.

Dr. Konits opened the meeting with the Committee by stating she was most gratified by the recommendation of the Peer Review Panel. She stated she waited to apply for restoration until she was fully recovered, and that she had not required any medication since May 1988.

In her discussion with the Committee she related the 1984 incidents consistent with the description provided in the Peer Review Panel report. She further stated she has learned that if confronted with such a situation in the future she would call the police immediately. She also stated that, should her license be restored, she intended to practice in an HMO or a hospital rather than in private practice.

The Committee inquired about the petitioner's conviction for conspiracy to commit the crime of assault in the Second Degree by intentionally causing R.F. stupor, unconsciousness, or other physical impairment or injury by administering to him, without his

consent, a drug, substance or preparation capable of producing the same for a purpose other than the lawful medical or therapeutic treatment.

On behalf of the petitioner, Mr. Podolsky explained that the criminal conviction was for conspiring, and not an actual assault. He stated that no one was assaulted as a result of this conspiracy.

The Committee also inquired of Dr. Konits as to whether in her private practice she had been confronted by individual patients who may have suffered from drug addiction and asked her to prescribe drugs. She stated that this did happen occasionally. When such requests were made, she stated that she referred these patients to the appropriate Nassau County clinic.

The recommendation of the Peer Panel required that Dr. Konits commence a residency program within one year of the Commissioner's Order, should the Board of Regents adopt the Panel's recommendations. The Committee inquired of Dr. Konits what type of residency she desired. Dr. Konits replied that she was seeking a psychiatric residency as her first choice. Her second choice would be neurological, but she would accept whatever residency is available if she is unable to match with her first or second choice.

Based on its review of the entire record and Dr. Konits' personal appearance, the Committee concurs with the findings and recommendations of the Peer Review Panel. The Committee voted unanimously to recommend to the Board of Regents that the revocation of Dr. Konits' license as a physician be stayed, in part, at this time and insofar as the applicant is permitted the opportunity to apply for, obtain, and no later than one year from the effective date of the determination of the Board of Regents in this restoration matter, commence a residency program in New York State; said residency program to be paid for and chosen by the applicant and previously approved, in writing, by the Department, and that Dr. Konits be placed on probation for two years under the terms set forth in the exhibit annexed to the Peer Review Panel report dated December 2, 1994 and labelled as Exhibit "A." The Committee also unanimously concurs with the recommendation of the Peer Review Panel that after the successful completion of two years probation and "on condition that the applicant has fully complied with all the above requirements for applying for, obtaining, and commencing a previously approved residency program and has submitted, to the Office of Professional Discipline, One Park Avenue, New York, New York 10016, written proof that she has successfully completed the entire approved residency program, the revocation of her license imposed under Calendar No. 5513 be stayed, in full, at such time."