



**STATE OF NEW YORK  
DEPARTMENT OF HEALTH**

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen  
*Executive Deputy Commissioner*

**PUBLIC**

November 26, 2003

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Leslie Lynn Powers, M.D.  
15 West 75<sup>th</sup> Street, Apt. 4B  
New York, New York 10023-2001

Denise Lepicier, Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza – 6<sup>th</sup> Floor  
New York, New York 10001

**RE: In the Matter of Leslie Lynn Powers, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 03-328) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

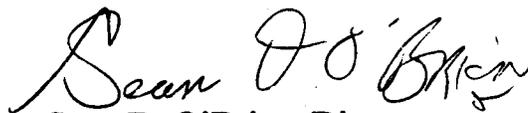
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's  
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial "S" and a stylized "B".

Sean D. O'Brien, Director  
Bureau of Adjudication

SDO:djh

Enclosure

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

**\_\_\_\_\_X**

**COPY**

**IN THE MATTER**

**OF**

**ORDER # BPMC-03-328**

**LESLIE L. POWERS, M.D.**

**\_\_\_\_\_X**

**DETERMINATION AND ORDER OF THE HEARING COMMITTEE**

The undersigned Hearing Committee consisting of **WALTER M. FARKAS, M.D.**, chairperson, **ALAN FREEDMAN, M.D.** and **VICTOR B. MARROW, PH.D.**, were duly designated and appointed by the State Board for Professional Medical Conduct. **MARY NOE** served as Administrative Officer.

The hearing was conducted pursuant to the provisions of Sections 230 (10) of the New York Public Health Law and Sections 301-307 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of provisions of Section 6530 of the New York Education Law by **LESLIE L. POWERS, M.D.** (hereinafter referred to as "Respondent"). Witnesses were sworn or affirmed and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

## **SUMMARY OF PROCEEDINGS**

**Place of Hearing:** NYS Department of Health  
5 Penn Plaza  
New York, N.Y.

**Pre-Hearing Conference:** June 4, 2003

**Intra-Hearing** August 18, 2003

**Hearing date:** June 11, 2003  
August 4, 2003  
October 20, 2003

**Dates of Deliberation:** October 20, 2003

**Petitioner appeared by:** NYS Department of Health  
by: Denise Lepicier, Esq. Assistant Counsel

**Respondent appeared pro se**

## **WITNESSES**

**For the Petitioner:** Zev Labins M.D.

**For the Respondent:** Leslie L. Powers M.D.

## **SIGNIFICANT LEGAL RULINGS**

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct. The Administrative Law Judge issued instructions to the Committee when asked regarding the definitions of medical misconduct as alleged in this proceeding.

## **FINDINGS OF FACT**

1. The Respondent was authorized to practice medicine in New York State by the issuance of license number 129438 by the New York State Education Department on November 27, 1976.

2. The Respondent is a psychiatrist and provides individual patients with treatment in her private practice. (T. 15)

3. The Respondent was admitted to St. Lukes-Roosevelt Hospital (Roosevelt Hospital) Emergency Department on June 26, 2001 because a friend called emergency medical service expressing concern that the Respondent was suicidal. (Dept. Exh. 3 T. 17)

4. Two senior psychiatrists at Roosevelt Hospital completed the Respondent's involuntary admission. Both psychiatrists are psychoanalysts and tend not to hospitalize or treat people against their will yet admitted the Respondent. (T. 31)

5. On February 22, 2002 the Respondent was admitted to New York Hospital Emergency Department because "People impersonating police officers have been trying to get me." (Dept. Exh. 4; p. 22; T. 107)

6. The Respondent has been diagnosed with a mood disorder, or a psychotic disorder and possibly substance use disorder based on the following: the psychiatric evaluation of the Respondent, the medical records of St. Lukes-Roosevelt Hospital and Columbia Presbyterian Hospital and medical charts by Dr. Donald Klein, Dr. Neubauer and Dr. Ostow of the Respondent. (T. 21 - 23; 55, 56; 95; Dept. Exhs. 3, 4, 5, 6, 7)

7. The Respondent's belief that her ex-husband had such an extensive and powerful degree of influence over people in her life could be delusional. (T. 27; 108)

8. During Dr. Labins examination of the Respondent, she was unable to name the United States president, vice president, mayor of New York or either United States senators.

9. The Respondent should not practice medicine because the practice of medicine and any of its specialties involves being able to integrate new information and remember it for a sufficiently long period of time in order to be able to formulate a diagnostic impression and treatment plan to carry out. If a person does not know or remember the name of the president, senator or mayor it would be impossible to perform the basic duties of a physician. (T. 29 - 30, 92 - 94)

10. The Respondent has no insight into her condition nor does she see a need for psychiatric treatment. (T. 33, 80)

#### DISCUSSION

The Respondent was not represented by counsel at the hearing. The hearing panel extended the hearing an additional two and one half months to accommodate the Respondent in her efforts to secure an attorney, however she was unsuccessful.

The Department's expert was Dr. Zev Labins, a psychiatrist, board certified in psychiatry and neurology. Dr. Labins is a Distinguished Fellow of the American Psychiatric Association. (T. 14) and is a consulting psychiatrist for the Committee for Physician's Health. (Dept. Exh. 8) The hearing panel found Dr. Labins' testimony to be fair, honest and consistent with the information provided in the hospital records and the Respondent's treating physician's records submitted into evidence. (T. 78,79, 108)

The Respondent's testimony was difficult to understand and her explanations were unclear.

The hearing panel found the Respondent's testimony disconnected, confused and disorganized. At the hearing, Dr. Labins' and the Respondent's testimony indicated the Respondent's belief that her ex-husband influenced her involuntary hospitalizations. (T. 30 - 31) There is no indication of his involvement in the hospital record. (T. 30 - 32)

During both hospitalizations, the Respondent was admitted involuntarily by two physicians certificates. (T. 31) The Respondent has no understanding as to why she was hospitalized. (T. 33, 80)

The Panel reviewed Department's Exhibit 9, a list of all medications either prescribed to the Respondent or written by the Respondent filled by a pharmacy located near the Respondent's home. The Respondent's prescription practices are dangerous and improper. The Respondent's testimony regarding the prescriptions was not plausible. The Respondent is not under the care of a psychiatrist. She is self-medicating with psychotropic drugs. (T. 86, 88, 96, 109) The type and combination of this medication appears questionable as to the proper indication and safety. It may even be potentially lethal. (T. 87) A psychiatrist should not be self-medicating. Additionally there is evidence that the Respondent's diagnosis includes substance-use disorder. (T. 56)

The Respondent has disassociated herself with the professional medical community. She is no longer a member of the American Psychiatric Association and has become more and more isolated.

The Hearing Panel reviewed all possible penalties. However, the Hearing Panel felt that the Respondent is unable to practice of medicine at this time.

**PANEL'S DETERMINATION ON THE CHARGES**

**PRACTICING WHILE IMPAIRED**

Paragraphs A and A1 - SUSTAINED

**HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO  
PRACTICE MEDICINE**

Paragraphs A - SUSTAINED

**DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY**

The Hearing Committee, unanimously, after giving due consideration to all the penalties available have determined that pursuant to Section 230 (a) Subdivision 6, the Respondent's license is hereby **REVOKED**.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**
2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal or certified mail.

**DATED: Rockville Centre, New York**  
**November 24, 2003**

*Walter M. Farkas, M.D.*  
**WALTER M. FARKAS, M.D.**

**ALAN FREEDMAN, M.D.**  
**VICTOR B. MARROW, Ph.D.**

**APPENDIX 1**

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

IN THE MATTER  
OF  
LESLIE L. POWERS, M.D.

STATEMENT  
OF  
CHARGES

LESLIE L. POWERS, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 27, 1976, by the issuance of license number <sup>129438</sup>12948 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. From a time unknown to the Department of Health until and including the present, Respondent has suffered from a mental disability which impairs the Respondent's ability to practice medicine.
1. Respondent has practiced medicine, and/or continues to practice medicine, while suffering from a mental disability.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**PRACTICING WHILE IMPAIRED**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7) by practicing the profession while impaired by a mental disability as alleged in the facts of the following:

1. Paragraph A and paragraph A1.

**SECOND SPECIFICATION**

**HAVING A PSYCHIATRIC CONDITION WHICH  
IMPAIRS THE ABILITY TO PRACTICE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

2. Paragraph A.

DATED: April , 2003  
New York, New York

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct