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New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 14, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John M. Nassif, M.D.
3600 Capitol Avenue, Suite 203
Battle Creek, MI 49015

RE: License No. 173572

Dear Dr. Nassif:

Enclosed please find Order #BPMC 98-93 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 14, 1998**.

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

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

Enclosure

cc: Robert Bogan, Esq.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

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

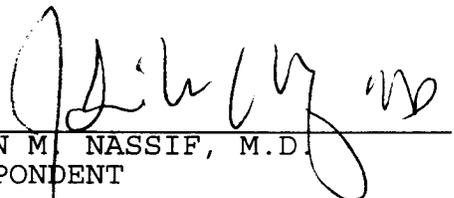
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, 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:



JOHN M. NASSIF, 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:

1 May 1998


ROBERT EGAN
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE:

May 5, 1998


ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

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

-----X
IN THE MATTER :
OF : CONSENT
JOHN M. NASSIF, M.D. : ORDER
:
-----X

Upon the proposed agreement of JOHN M. NASSIF, 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 as of the date
of the personal service of this order upon Respondent, upon
mailing of this 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: May 7, 1998


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOHN M. NASSIF, M.D. : CHARGES

-----X

JOHN M. NASSIF, M.D., the Respondent, was authorized to practice medicine in New York State on February 3, 1988 by the issuance of license number 173572 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. By an Order on Agreed Settlement (hereinafter "Nebraska Order") dated September 19, 1997 entered by the Department of Health and Human Services, Regulation and Licensure, State of Nebraska (hereinafter "Nebraska Department") the Respondent was assessed a civil penalty in the amount of \$5000.00 and ordered to complete a medication prescribing course.

B. The Nebraska Order described in Paragraph A above was predicated upon an Agreed Settlement entered into by the Respondent and the Nebraska Department dated August 21, 1977 wherein the Respondent admitted the Allegations of the Petition for Disciplinary Action (hereinafter "Nebraska Petition").

C. The Nebraska Petition described in Paragraph B above alleges four (4) Causes of Action. The First Cause of Action alleges that the Respondent ordered and received the controlled substances Phentermine and Pondimin and personally used quantities of the controlled substances in an effort to lose weight in violation of a Nebraska statute that makes it "unprofessional conduct" to "prescribe any controlled substance to oneself." The Second Cause of Action alleges that the Respondent, whose primary area of medical practice is ophthalmology, delivered quantities of the controlled substances Phenterimined and Pondimin to a patient, nurse, who was not obese, without performing a physical examination, in violation of a Nebraska Statute that describes as "unprofessional," "prescribing, administering, distributing, dispensing, giving...any controlled substance...for other than a medically accepted therapeutic purpose." The Third Cause of Action based upon a Nebraska statute is "unprofessional conduct" by being a "departure from...the standards of acceptable and prevailing practice of [the medical] profession," to deliver controlled substances to the above described patient. The fourth Cause of Action alleges that the Respondent failed to maintain records of his treatment or services related to his delivery of the above described controlled substances to the above described patient which constituted "unprofessional conduct" under a Nebraska Statute.

D. The conduct resulting in the Nebraska Order would constitute misconduct under the laws of New York State pursuant to the following sections of New York Statute Law:

1. N.Y. Education Law Section 66530(3) (negligence on more than one occasion);
2. N.Y. Education Law Section 6530(4) (gross negligence);
3. N.Y. Education Law Section 6530(32) (failing to maintain an accurate record of each patient).

SPECIFICATION

Respondent is guilty of professional misconduct under N.Y. Education Law §6530(9)(d) (McKinney Supp. 1998) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs A,B,C, and/or D.

DATED: *April 28*, 1998

Albany, New York

Peter D. Van Buren

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