



# 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*

February 6, 2001

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Georgia Cataldi, M.D.  
3622 Reposo Street  
Belmont, California 94002

### **RE: In the Matter of Georgia Cataldi, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-32) 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, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

BPMC #01-32

**IN THE MATTER**  
**OF**  
**GEORGIA CATALDI, M.D.**

A Notice of Referral Proceeding and Statement of Charges, both dated, November 21, 2000, were served upon the Respondent, **GEORGIA CATALDI, M.D.**

**TERESA S. BRIGGS, M.D., Ph.D.**, Chairperson, **RICHARD KASULKE, M.D.** and **MR. IRVING CAPLAN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on January 17, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **PAUL ROBERT MAHER, ESQ.**, and **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(a)(iii) and (d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **GEORGIA CATALDI, M.D.**, the Respondent, was authorized to practice medicine in New York State on July 1, 1982, by the issuance of license number 150591 by the New York State Education Department. (Pet's. Ex. 4)
  
2. On June 15, 1998, in the Contra Costa County Superior Court, State of California, the Respondent was found guilty of Assault by Force Likely to Produce Great Bodily Injury, in violation of Penal Code 242(a)(1), a misdemeanor, and was sentenced to three (3) years probation and \$100.00 restitution. (Pet's. Ex. 6)
  
3. By "ACCUSATION", filed April 13, 1999, the Medical Board of California alleged among other things:

### FIRST CAUSE FOR DISCIPLINARY ACTION

- Respondent is subject to disciplinary action under Section 820 and 822 in that her ability to practice her profession safely is impaired because she is mentally ill, as more particularly alleged in the following paragraphs.
- On or about August 8, 1997, Respondent left her full-time position as a radiologist with Alhambra Radiology Group.

- On or about September 11, 1997, Respondent, in an attempt to kill herself, drove her car head-on into a truck/trailer on a state highway. Neither driver was injured.
- As result of her suicide attempt, Respondent was taken to a hospital for evaluation and was hospitalized for treatment for approximately three (3) weeks pursuant to Health and Safety Code Section 5150.
- In or about November 1997, Respondent returned to work part-time at Alhambra Radiology Group. Respondent, however, left after about one month, in or about December 1997.
- Respondent has not worked as a licensed physician since about December 1997 and receives monthly disability payments.
- Between about December 1997 and March 1998, Respondent was hospitalized on several occasions for psychiatric treatment in New York.
- Since about March 1998, Respondent has been in treatment with a psychiatrist whom she sees about every two to three weeks.
- As a result of the foregoing, the Board requested and Respondent agreed to undergo, on or about August 19, 1998, a voluntary mental and/or physical examination, pursuant to the Medical Board's request and Business and Professions Code Section 820, in order to determine whether her ability to practice medicine safely is impaired due to a mental or physical illness affecting her competency.
- On or about September 4, 1998, Respondent's treating psychiatrist provided the Medical Board with a brief written summary in which he stated that he had diagnosed Respondent with a Depressive Disorder NOS and had not prescribed

anti-depressant medications. He stated that he believed that Respondent was able to safely practice medicine.

- On or about December 11 and 23, 1998, Respondent met with psychologist Randall B. Smith, Ph.D., designated by the Medial Board, for evaluation of psychological and emotional functioning. Dr. Smith diagnosed Respondent with a severe Major Depressive Disorder in substantial remission but with continuing psychosocial stressors. He also noted paranoid and borderline traits in Respondent. Dr. Smith's conclusion was that Respondent needs mandatory ongoing weekly psychiatric treatment concomitant with Respondent's return to work as a physician. Respondent concluded that, although Respondent currently had no substantial impairment in terms of her ability to function as a physician, Respondent is potentially vulnerable to a recurrence and likely to discontinue treatment prematurely.
- On or about October 26, 1998 and January 11, 1999, Respondent met for an evaluation with psychiatrist James Reich, M.D. who was designated by the Medial Board. Dr. Reich concluded that Respondent has some impairment to her ability to practice medicine and that she requires continued psychotherapy treatment to practice medicine safely. Dr. Reich diagnosed Respondent with a Major Depressive Order that is currently in remission with noted continuing significant stressors. Dr. Reich also noted that Respondent exhibited compulsive, paranoid, and borderline traits. Dr. Reich found Respondent exhibiting a lack of judgment associated with her unrealistic denial about the ability of her emotional illness to recur, about her need for future psychiatric treatment, and about the affect of her illness on her ability to practice medicine. Dr. Reich recommended that Respondent be required to receive weekly

psychiatric treatment and should be required to take appropriate medication should the psychiatrist, in his/her best clinical judgment, deem it best. Dr. Reich also recommended that Respondent be supervised in her practice of radiology by an appropriate radiologist and that Respondent permit her supervisor and psychiatrist to communicate should questions arise about the safety of Respondent, her patients, or the public.

- Based on Dr. Smith's and Dr. Reich's conclusions and recommendations, it has been determined that Respondent's ability to practice her profession safely is impaired because of mental illness and that, accordingly, grounds for disciplinary action are established under Section 82 of the Business and Professions Code.

#### **SECOND CAUSE FOR DISCIPLINARY ACTION**

- Respondent is subject to disciplinary action under Section 2234 and Section 2236 in that she pleaded nolo contendere to a misdemeanor violation while a licensed physician and surgeon, as more particularly alleged herein.
- On or about December 15, 1997, a criminal complaint was filed in the Contra Costa County Municipal Court, State of California, Case No. 164207-3 charging Respondent with one count of violating Penal Code section 242(a)(1), assault with a deadly weapon other than a firearm or by force likely to produce great bodily injury.
- The circumstances surrounding the charges of said criminal complaint are the same events as alleged in paragraph 17 herein with regard to Respondent's 9/11/97 attempted suicide by driving head-on into an oncoming truck.
- On or about June 15, 1998, the Board's complaint unit received a report from the Contra Costa County Superior Court pursuant to the provisions of Business and Professions Code Section 803. Said report indicated that on June 10, 1998,

Respondent was convicted pursuant to a negotiated plea of nolo contendere to one count of misdemeanor assault by force likely to produce great bodily injury, Penal Code Section 242(a)(1). Respondent received a sentence of three (3) years court probation, no jail time. Respondent also was ordered to pay restitution in the amount of \$100.

- Said conviction is final and constitutes a violation of Section 2236(a) of the Business and Professions Code. Respondent is subject to disciplinary action pursuant to Section 2234(e) and/or Section 22236(a) of the Code in that she has been convicted of a crime, which is substantially related to the duties, functions and responsibilities of a licensed physician and surgeon. (Pet's Ex. 5)

4. On December 9, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), revoked Respondent's physician's and surgeon's certificate, stayed the revocation, and placed her on probation for five (5) years with terms and conditions, that include psychotherapy and to pay \$5,000.00 in costs, based on her impairment due to mental illness and the conviction as stated in Finding of Fact No. 2. (Pet's Ex. 5)

#### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that the conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

- New York Education Law §6530(7) (practicing the profession while impaired by mental disability); and/or

- New York Education Law §6530(9)(a)(i) (being convicted of a crime under state law).

## **VOTE OF THE HEARING COMMITTEE**

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(a)(iii) by reason of having been convicted of an act constituting a crime under the law of another jurisdiction and which if committed in New York State, would have constitute a crime under New York State law.

**VOTE: SUSTAINED (3-0)**

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by reason of her having her license revoked or having other disciplinary action taken against her after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revoked or other disciplinary action would constitute professional misconduct under the laws of New York State.

**VOTE: SUSTAINED (3-0)**

### **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that the Respondent is an impaired physician by reason of mental illness.

Given the facts of this case, the Hearing Committee determines that the interests of the people of the State of New York will be best served by suspending the Respondent's

license until such time as she makes a showing to the satisfaction of a committee of professional medical conduct of the State Board for Professional Medical Conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

### ORDER

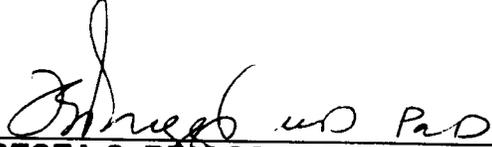
#### IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby SUSPENDED until such time as she makes a showing to the satisfaction of a committee of professional medical conduct of the State Board for Professional Medical Conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

2. This Order shall be effective upon service on the Respondent or Respondent's Attorney by personal service or by certified or registered mail.

DATED: Feb 1, 2001

, New York

  
TERESE S. BRIGGS, M.D., Ph.D., Chairperson

RICHARD KASULKE, M.D.  
MR. IRVING CAPLAN

**APPENDIX I**

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

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IN THE MATTER  
OF  
GEORGIA CATALDI, M.D.

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: GEORGIA CATALDI, M.D.  
3622 Reposo Street  
Belmont, CA 94002

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 17<sup>th</sup> day of January, 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON.

EXHIBIT

*Dr. Er. 1/17/01*

TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before January 8<sup>th</sup>, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before January 8<sup>th</sup>, 2001, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*November 21, 2000*



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

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0820

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

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**IN THE MATTER**  
**OF**  
**GEORGIA CATALDI, M.D.**

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**STATEMENT**  
**OF**  
**CHARGES**

**GEORGIA CATALDI, M.D.**, the Respondent, was authorized to practice medicine in New York state on July 1, 1982, by the issuance of license number 150591 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about June 15, 1998, in the Contra Costa County Superior Court, California, Respondent was found guilty of Assault by Force Likely to Produce Great Bodily Injury, in violation of Penal Code 242(a)(1), a misdemeanor, and was sentenced to three (3) years probation and \$100.00 restitution.

B. On or about December 9, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), revoked Respondent's physician's and surgeon's certificate, stayed the revocation, and placed her on probation for five (5) years with terms and conditions, that include psychotherapy and to pay \$5,000.00 in costs, based on her impairment due to mental illness and the conviction described in paragraph A above.

C. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(7) (practicing the profession while impaired by mental disability); and/or

2. New York Education Law §6530(9)(a)(i) (being convicted of a crime under state law).

**SPECIFICATIONS**  
**SPECIFICATION ONE**

Respondent violated New York Education Law §6530(9)(a)(iii) by reason of having been convicted of an act constituting a crime under the law of another jurisdiction and which if committed in New York state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in paragraph A.

**SPECIFICATION TWO**

Respondent violated New York Education Law §6530(9)(d) by reason of her having her license revoked or having other disciplinary action taken against her after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revoked or other disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *November 21*, 2000  
Albany, New York

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