



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Karen Schimke  
*Executive Deputy Commissioner*

January 8, 1997

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

E. Marta Sachey, Esq.  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York 12237

Ignatius J. Stein, M.D.  
33 Church Street  
Grantville, Georgia 30220

**RE: In the Matter of Ignatius J. Stein, M.D.**

Dear Ms. Sachey and Dr. Stein:

Enclosed please find the Determination and Order (No. 97-09) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

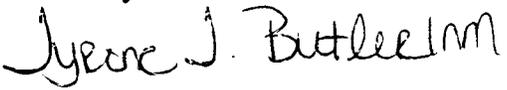
The notice of review served on the Administrative Review Board should be forwarded to:

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 "Tyrone T. Butler" followed by a stylized initial "M".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

COPY

**IN THE MATTER**  
**-OF-**  
**IGNATIUS J. STEIN, M.D.**

**DECISION**  
**AND**  
**ORDER**  
**OF THE**  
**HEARING**  
**COMMITTEE**  
**BPMC ORDER**  
**NO. 97-09**

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated October 30, 1996 which were served upon **IGNATIUS J. STEIN, M.D.**, (hereinafter referred to as "Respondent"). **ARSENIO G. AGOPOVICH, M.D.**, Chairperson, **ALBERT L. BARTOLETTI, M.D.**, and **NANCY J. MACINTYRE, R.N., Ph.D.**, 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. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on December 18, 1996 at Hedley Park Place, Troy, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **E. MARTA SACHEY, ESQ.**, Associate Counsel, Bureau of Professional Medical Conduct. Respondent did not appear in person but did submit a written statement, which was distributed to the Committee. Evidence was received. A transcript of these proceedings was made.

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

## **STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of Section 6530(9) of the Education Law. In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed by this state upon the licensee based solely upon the record of the previous conviction or discipline.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530 (9)(b) (having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct) and 6530(9)(d) (having been disciplined by the duly authorized agency of another state). The charges in this proceeding arise from proceedings in the State of Georgia. The allegations in this proceeding and the underlying events are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

## **FINDINGS OF FACT**

The Committee adopts the factual statements set forth on pages one through four of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

**CONCLUSIONS**  
**WITH REGARD TO**  
**FACTUAL ALLEGATIONS**  
**AND**  
**PENALTY**

Petitioner herein has proven by a preponderance of the evidence that Respondent was found guilty of professional misconduct and subjected to professional discipline in the state of Georgia. Furthermore, the conduct resulting in the discipline in Georgia would constitute misconduct if committed in New York. Therefore, the Factual Allegations and Specifications in this proceeding are sustained. The Committee now turns its attention to what penalty to impose.

This Respondent has twice been cited for serious misconduct by Georgia. As a result of his first citation, he was given the opportunity for re-education and rehabilitation. Apparently he refused to profit from this opportunity. Based upon the submission by Respondent, this Committee concludes that Respondent does not recognize any inappropriate action arising from his medical conduct. It therefore follows that misconduct can arise from this Respondent yet again. The only way to protect the public from such a practitioner is to see that he does not practice in this state. Accordingly, Respondent's license shall be revoked.

**ORDER**

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

3. The license of Respondent to practice medicine in the state of New York is hereby **REVOKED**;

Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **UPON RECEIPT** or **SEVEN (7) DAYS** after mailing of this order by Certified Mail.

Dated:  
Troy, New York

January 6 1997

  
\_\_\_\_\_  
ARSENIO G. AGOPOVICH, M.D., Chairperson  
ALBERT L. BARTOLETTI, M.D.,  
NANCY J. MACINTYRE, R.N., Ph.D.

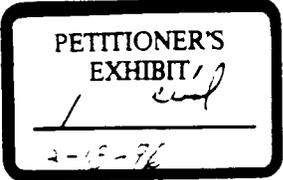
TAR

TO:

**E. MARTA SACHEY, ESQ.**  
Associate Counsel  
Bureau of Professional Medical Conduct  
5 Penn Plaza, suite 601  
New York, N.Y. 10001

**IGNATIUS J. STEIN, M.D.**  
33 Church Street  
Grantville, Georgia 30220

**APPENDIX ONE**



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

-----x

IN THE MATTER : NOTICE OF  
OF : REFERRAL  
IGNATIUS J. STEN, M.D. : PROCEEDING

-----x

TO: Ignatius J. Stein, M.D.  
33 Church Street  
Grantville, Georgia 30220

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 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 18th day of December, 1996 at 10:00 in the forenoon of that day at the Legislative Office Building, 7th Floor - Room 711A, Empire State Plaza, Albany, New York 12248.

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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before December 4, 1996.

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 or 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 December 4, 1996 and a copy of all papers must be served on the same date

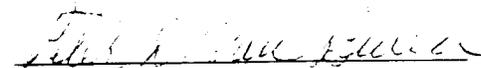
on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

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  
October 30, 1996



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

Inquiries should be addressed to:

E. Marta Sachey  
Associate Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
IGNATIUS J. STEIN, M.D. : CHARGES

-----X

IGNATIUS J. STEIN, M.D., the Respondent, was authorized to practice medicine in New York State on August 28, 1947 by the issuance of license number 046252 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice in New York State.

**FACTUAL ALLEGATIONS**

1. The Georgia Composite State Board of Medical Examiners, by Final Decision and Order dated June 2, 1993, adopted the Hearing Officer's Initial Decision, dated January 22, 1993, and made additional finding of fact and imposed additional sanctions. The Board found Respondent guilty of professional misconduct with regard to Respondent's record keeping for nine patients for whom he was prescribing controlled substances, with regard to the controlled substances he prescribed for two of those nine patients and with regard to the diagnosis of three of those nine patients.

2. The Board found Respondent to have violated O.C.G.A. §43-34-37(a)(7) and (a)(10) and Board Rule 360-2-.09(d)(e)(f) which provide:

- (a)(f) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimal standards of acceptable and prevailing medical practice or by rule of the board;
- (a)(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, which law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action is violative of such law, rule, or regulation; or violated a lawful order of the board, previously entered by the board in a disciplinary hearing; and
- 360-2-.09(d) Not maintaining appropriate records whenever Schedule II drugs are prescribed. Appropriate records, at a minimum shall contain the following:
  1. The patient's name and address;
  2. The date, drug name drug quantity, and diagnosis for all Schedule II prescriptions;
  3. Records concerning the patient history.
- 360-2-.09 (e) Prescribing drugs for a habitual drug user in the absence of substantial medical justification;
- 360-2-.09 (f) Any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice...

3. More specifically, the Georgia Board found Respondent's prescribing and/or record keeping and/or diagnosis below minimum standards of acceptable and prevailing medical practices, as follows:

- The prescribing of Fastin and record keeping for Patient L.R.;
- The record keeping and diagnosis for Patient L.E.;
- The record keeping for Patient K.S.;
- The record keeping and diagnosis relating to prescribing Valium, Placidyl and Seconal for Patient P.W.
- The record keeping relating to prescribing Valium and Dalmane and absence of a diagnostic workup for Patient T.M.;
- The record keeping for Patient J.L.;
- The record keeping for Patient K.H.;
- The record keeping, prescribing of Dital for one year and the prescribing of Hydrocet, Limbitrol, Tuinal and Valium at overlapping times for Patient C.R.; and
- The record keeping with regard to the diagnostic workup of Patient G.C. and the failure to get the patient off Dilaudid.

4. The Georgia Board imposed, inter alia, the following sanctions upon Respondent:

- Reprimanded Respondent and
- Placed Respondent on three years probation with requirements including that Respondent maintain a daily separate log of all controlled substances prescribed, complete 150 hours of continuing education which shall include a specified mini-residency on the "Proper Prescribing of Controlled Dangerous Substances," be available for personal interviews with a representative of the Board and have his medical records and any required logs subject to periodic review and inspection by a representative of the Board.

5. The conduct underlying the Georgia Board's finding of professional misconduct in its June 2, 1993 Order would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [negligence on more than one occasion] and/or §6530(32) [record keeping] (McKinney Supp. 1996).
6. The Georgia Board, by Consent Order dated July 11, 1996, imposed, inter alia, the following sanctions upon Respondent:
- Suspended Respondent's license for one month;
  - Publicly reprimanded Respondent;
  - Placed Respondent on three years probation with requirements including prohibiting Respondent from prescribing controlled substances for other than institutionalized patients for consumption on institutional premises only, requiring Respondent to maintain a contemporaneous separate log of all controlled substances prescribed or ordered by him and requiring Respondent to make himself available for inspection of his practice and prescribing records by the Board; and
  - Prohibited Respondent from ever again writing prescriptions for any controlled substances or otherwise dispensing controlled substances for any family member.
7. The conduct underlying the Georgia's Board's imposition of disciplinary action upon Respondent, pursuant to its Consent Order dated July 11, 1996, consisted of, inter alia, failing to conform to minimal standards of acceptable medical practice in prescribing or ordering controlled substances other than for a legitimate medical purpose, prescribing or ordering controlled substances in quantities and frequency of prescriptions not based on generally

accepted and approved indications, prescribing drugs for a habitual drug user in the absence of substantial medical justification and failing to maintain adequate records all with regard to the treatment of Patient C.S., Respondent's wife, for adhesive capsulitis of a breast implant and the treatment of Patient C.M., Respondent's daughter, for dysmenorrhea.

8. The conduct underlying the Georgia Board's imposition of discipline upon Respondent in its Consent Order dated July 11, 1996 violated, inter alia, the Georgia statutes and Board Rules set forth in Paragraph 2, above, except Board Rule 360-2-.09(d).
  
9. The conduct underlying the Georgia Board's imposition of disciplinary action upon Respondent by its Consent Order dated July 11, 1996 would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [negligence on more than one occasion] and/or §6530(32) [record keeping] (McKinney Supp. 1996).

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1996) by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State in that, Petitioner charges the facts in Paragraphs 1 through 5.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. law §6530(9)(d) (McKinney Supp. 1996) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State in that Petitioner charges the facts in

Paragraphs 6 through 9.

DATED: *October 30*, 1996  
Albany, New York

*Peter D. Van Buren*

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