

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

April 12, 1990

Thomas D. Kerenyi, Physician
1126 Park Avenue
New York, N.Y. 10028

Re: License No. 089907

Dear Dr. Kerenyi:

Enclosed please find Commissioner's Order No. 10446. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

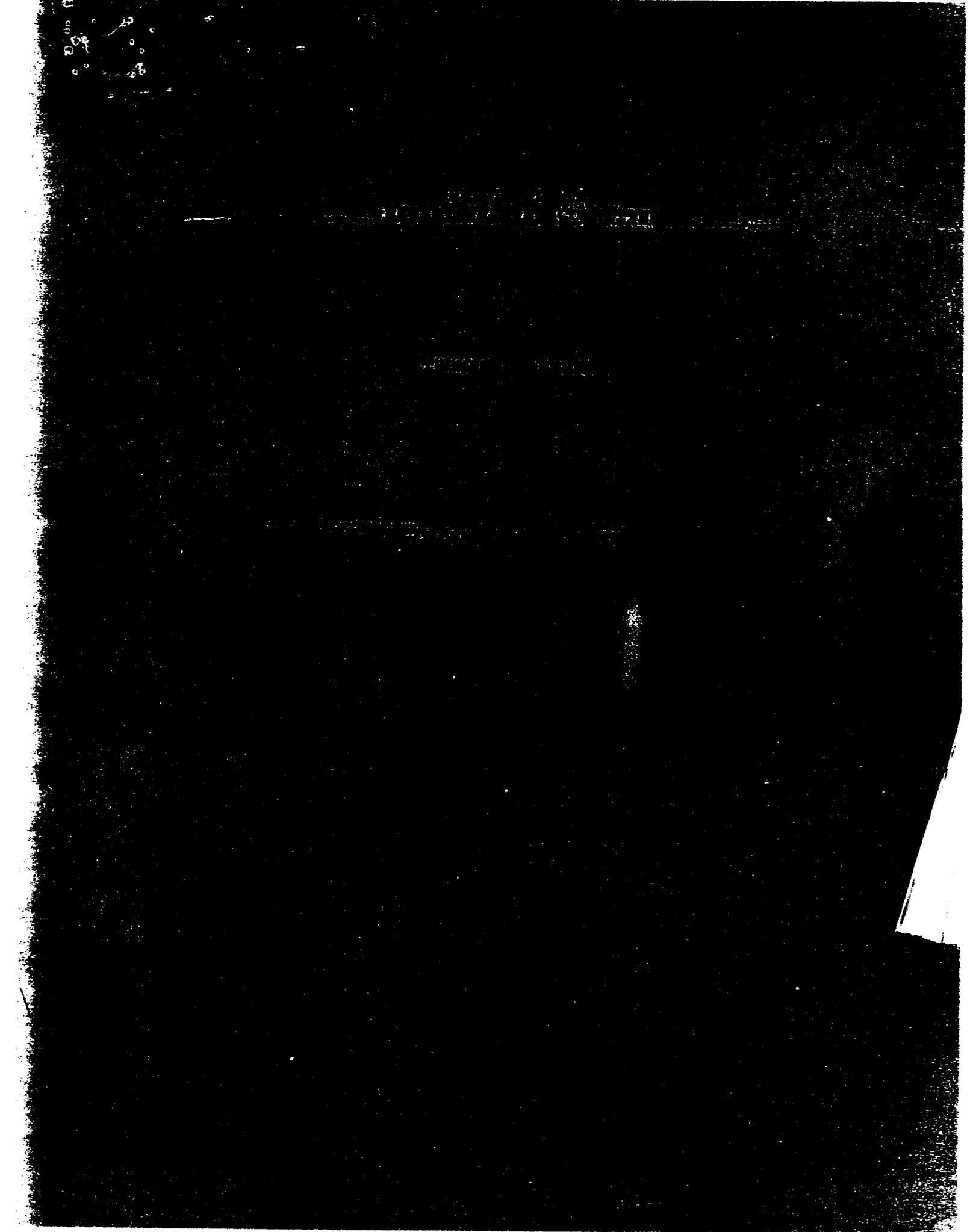
CERTIFIED MAIL- RRR

cc: David G. Miller, Esq.
Gair, Gair & Conason
80 Pine Street
New York, N.Y. 10005

RECEIVED

APR 19 1990

**Office of Professional
Medical Conduct**





The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

THOMAS D. KERENYI

No. 10446

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

THOMAS D. KERENYI, hereinafter referred to as respondent, was licensed to practice as a physician in the State of New York by the New York State Education Department.

The instant disciplinary proceeding was properly commenced and on April 24 and May 1, 1989 a hearing was held before a hearing committee of the State Board for Professional Medical Conduct. A copy of the statement of charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

The hearing committee rendered a report of its findings, conclusions, and recommendation, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "B".

The hearing committee concluded that respondent was guilty of the first specification of the charges to the extent indicated in its report, and the third specification of the charges based on

THOMAS D. KERENYI (10446)

negligence on more than one occasion to the extent indicated in its report, and not guilty of the remaining charges. The hearing committee recommended that respondent be Censured and Reprimanded together with 100 hours of community service.

The Commissioner of Health recommended to the Board of Regents that the findings of fact, conclusions, and recommendation of the hearing committee be accepted. A copy of the recommendation of the Commissioner of Health is annexed hereto, made a part hereof, and marked as Exhibit "C".

On January 18, 1990 respondent appeared before us in person and was represented by his attorney, David G. Miller, Esq., who presented oral argument on behalf of respondent. Dianne Abeloff, Esq., presented oral argument on behalf of the Department of Health.

Petitioner's recommendation, which is the same as the Commissioner of Health's recommendation, as to the measure of discipline to be imposed, should respondent be found guilty, was Censure and Reprimand; 100 hours community service.

Respondent's recommendation as to the measure of discipline to be imposed, should respondent be found guilty, was Reprimand; 100 hours community service.

We have considered the record as transferred by the Commissioner of Health in this matter.

We note that we have serious concerns about the conclusions

THOMAS D. KERENYI (10446)

drawn by the hearing committee and the Commissioner of Health in this case. With regard to factual allegation A1 in the statement of charges, we find this allegation of sexual relations with Patient A to be proven based on the hearing committee's own findings of fact as well as our own review of the record. Respondent was involved in an affair with Patient A in January and February, 1981 (see hearing committee fact finding #4 and transcript p. 89). Respondent engaged in sexual relations with Patient A during this time period at Patient A's apartment. (see transcript pp. 88-89). We find it to be indisputable that at the time of these sexual relations, Patient A was a patient of respondent's in that he provided medical care to respondent before, during, and after the time period of these sexual relations (see hearing committee fact findings 2, 3, 5, 6, 7; transcript pp. 86-90, 103-106, 133-134; and petitioner's Exhibit "3" in the record before the hearing committee). We find respondent's conduct in this regard to be reprehensible. We cannot understand the hearing committee's and Commissioner of Health's conclusion that respondent engaged in sexual relations with Patient A "not in the context of rendering any medical treatment." This is completely contradicted by the hearing committee's own findings of fact and by the overwhelming weight of the evidence in the record, as previously cited.

If the hearing committee and Commissioner of Health are saying

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that respondent cannot be guilty of misconduct unless the sexual relations took place while the respondent was actually performing a medical procedure or actually administering a particular treatment, we reject such a conclusion since it would give little meaning to the professional nature of the physician-patient relationship. This respondent has demonstrated a serious disregard for the physician-patient relationship by engaging in a sexual affair with his patient. We find respondent to be guilty of engaging in conduct in the practice of medicine which evidences moral unfitness to practice the profession and would sustain the fourth specification of the charges as to paragraphs A and A1 of the statement of charges.

We find the hearing committee's fact findings to be inconsistent with a finding of guilt as to the first specification of the charges. The hearing committee found in fact finding #9 that on "February 18, 1981, Patient A's mother called, and Respondent without seeing her wrote a prescription for Morphine Sulfate to be injected for chronic back pain." This fact finding does not establish what was actually charged in paragraph A8 of the statement of charges. Paragraph A8 charged that "on or about February 18, 1981, Respondent improperly prescribed Morphine, a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan." The

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hearing committee found a prescription for Patient A's mother was made - - not a prescription for Patient A; found a different drug was prescribed - - morphine sulfate and not morphine; found it was prescribed for chronic back pain - - not without a legitimate medical purpose or without an appropriate treatment plan; and did not find that any false name or pseudonym was used. We further note that fact finding #5, which mentions morphine, also does not mention any pseudonym being used and does show a medical purpose for the morphine. Clearly, paragraph A8 of the statement of charges cannot be sustained based on the fact findings of the hearing committee. Accordingly, we deem paragraph A8 of the statement of charges not to have been proven with regard to any specification of the charges.

Similarly, we reject the hearing committee's conclusion as to paragraph A10 of the statement of charges. The hearing committee found in fact finding #6 that on "June 21, 1981, Respondent prescribed Percodan at the behest of Patient A. The name of the Patient B.Y. was not inserted by him." However, paragraph A10 of the statement of charges states: "On or about June 21, 1981, Respondent improperly prescribed Percodan, a controlled substance, for Patient A through the use of a pseudonym or false name. This Prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan."

The hearing committee's fact finding #6 does not establish

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that respondent used a pseudonym or false name in making the prescription. In fact, it establishes that respondent did not insert the name of Patient B.Y. The hearing committee transcript at page 133 also shows that respondent did not insert the name of Patient B.Y. Therefore, we deem paragraph A10 of the statement of charges not to have been proven with regard to any specification of the charges.

It is our unanimous opinion that paragraph A1 of the statement of charges, which we do sustain as to moral unfitness in the fourth specification, does not constitute fraud as charged as it fails to allege the elements necessary for fraud. Therefore, based on the foregoing, we do not find any allegations to have been sustained which support the first specification of the charges.

We do sustain the third specification of the charges as to paragraphs A, A3, A4, A5, A6, A7, and A11 of the statement of charges in agreement with the hearing committee and Commissioner of Health. However, we do not sustain paragraph A9 of the statement of charges because fact finding #8 of the hearing committee report is not consistent with the allegation in paragraph A9 of the charges that respondent "improperly prescribed Dolophine (Methadone), a controlled substance, for Patient A through the use of a pseudonym or false name." The hearing committee instead found respondent wrote a prescription for Patient A's boyfriend, and not for Patient A. Accordingly, we deem paragraph A9 of the statement

of charges not to be proven as charged.

In our unanimous opinion, the misconduct of this respondent merits more than a mere Censure and Reprimand with 100 hours of community service, as recommended by the hearing committee and Commissioner of Health. Respondent violated a most serious professional obligation by engaging in sexual relations with a patient. Moreover, respondent compounded this misconduct by negligently prescribing a variety of controlled substances to this same patient on different occasions from June, 1980 to May, 1982. The penalty we hereafter recommend will better serve to protect the public from any recurrence of such conduct, while it still takes into account the fact that this conduct took place eight to ten years ago, that respondent did suffer sanctions at Mount Sinai Medical Center where he was employed, and that respondent has had an unblemished record since this misconduct occurred.

We unanimously recommend the following to the Board of Regents:

1. The hearing committee's 14 findings of fact be accepted, and the Commissioner of Health's recommendation as to those findings of fact be accepted;
2. The hearing committee's conclusions as to the question of respondent's guilt be modified, and the recommendation of the Commissioner of Health as to those conclusions be modified;

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3. The hearing committee's and Commissioner of Health's recommendations as to the measure of discipline be modified;
4. Respondent be found guilty, by a preponderance of the evidence, of the third specification of the charges based on negligence on more than one occasion to the extent of paragraphs A, A3, A4, A5, A6, A7, and A11 of the statement of charges, and the fourth specification of the charges to the extent of paragraphs A and A1 of the statement of charges, and not guilty of the remaining charges; and
5. That, taking a more serious view of respondent's misconduct for the reasons previously described herein, respondent's license to practice as a physician in the State of New York be suspended for one year and respondent be required to perform 100 hours of public service upon each specification of the charges of which we recommend respondent be found guilty, said suspensions to run concurrently and said public service to be imposed concurrently and to total 100 hours, that execution of said suspensions be stayed, and that respondent be placed on probation for one year under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "D".

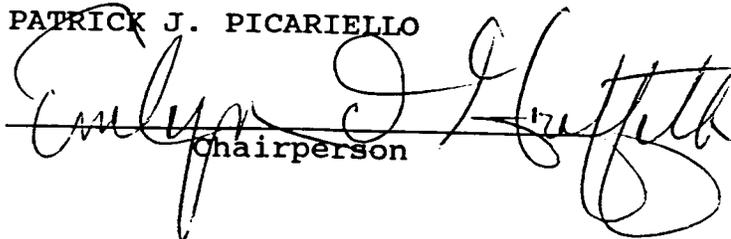
THOMAS D. KERENYI (10446)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: 3/3/90

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

-----X
IN THE MATTER : STATEMENT
OF : OF
THOMAS D. KERENYI, M.D. : CHARGES
-----X

THOMAS D. KERENYI, M.D., the Respondent, was authorized to practice medicine in New York State on April 17, 1963 by the issuance of license number 089907 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1986 through December 31, 1988 at 1130 Park Avenue, New York, New York 10028.

FACTUAL ALLEGATIONS

A. From on or about January, 1974 through on or about March 1982, Respondent rendered medical treatment to patient A (Patients are identified in the annexed Appendix), at his office located at several locations including 1160 Park Avenue, New York, New York 10028, 1176 Fifth Avenue, New York, New York 10029, and 1130 Park Avenue, New York, New York 10028.

1. Respondent engaged in sexual relations with Patient A on several occasions during the above described period.
2. On or about April 3, 1980, Respondent improperly prescribed Codeine, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
3. On or about June 24, 1980, Respondent improperly prescribed Dilaudid (3 mg. rectal suppositories); a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
4. On or about June 24, 1980, Respondent improperly prescribed Dilaudid (4 mg. tablets), a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
5. On or about January 7, 1981, Respondent improperly prescribed Demerol, a controlled substance for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
6. On or about February 7, 1981, Respondent improperly prescribed Valium, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.

7. On or about February 16, 1981, Respondent improperly prescribed Dilaudid, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
8. On or about February 18, 1981, Respondent improperly prescribed Morphine, a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
9. On or about February 27, 1981, Respondent improperly prescribed Dolophine (Methadone), a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
10. On or about June 21, 1981, Respondent improperly prescribed Percodan, a controlled substance, for Patient A through the use of a pseudonym or false name. This Prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
11. On or about May 24, 1982, Respondent improperly prescribed Percodan, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Sec. 6509(2) (McKinney 1985) in that Petitioner charges:

1. The facts in Paragraph A, A1, A2, A3, A4, A5, A6, A7 A8, A9, A10, and A11.

SECOND SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE
AND/OR GROSS INCOMPETENCE

The Respondent is charged with practicing the profession with gross negligence and/or incompetence under N.Y. Educ. Law Sec. 6509(2) (McKinney 1985), in that Petitioner charges:

2. The facts in Paragraph A, A2, A3, A4, A5, A6, A7, A8, A9, A10, and A11.

THIRD SPECIFICATION

PRACTICING WITH NEGLIGENCE AND/OR
INCOMPETENCE ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence and/or incompetence on more than one occasion

under N.Y. Educ. Law Sec. 6509 (2) (McKinney 1985), in that Petitioner charges that Respondent has committed two or more the following:

3. The facts in Paragraph A, A2, A3, A4, A5, A6, A7, A8, A9, A10, and A11.

FOURTH SPECIFICATION

MORAL UNFITNESS TO PRACTICE THE PROFESSION

The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(9) (McKinney 1985) in that he engaged in unprofessional conduct within the meaning of 8 N.Y.C.R.R. Sec. 29.1(b)(5) (McKinney 1987) by engaging in conduct in the practice of medicine which evidences moral unfitness to practice the profession, in that Petitioner charges

4. The facts in Paragraph A, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10. and A11.

DATED: New York, New York
April 20, 1988


CHRIS STERN HYMAN
Chief Counsel

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

-----X

IN THE MATTER :
OF : REPORT BY
THOMAS D. KERENYI : HEARING
: COMMITTEE

-----X
To: The Honorable David Axelrod, M.D.
Commissioner of Health of the State of New York

The undersigned, Hearing Committee (the Committee) consisted of Linda D. Lewis, M.D., (Chairman), Arthur T. Risbrook, M.D., Mr. William D. Brainin. The Committee was duly designated, constituted and appointed by the State Board for Professional Medical Conduct (the Board). The Administrative Officer was Harry Shechtman, Esq.

The hearing was conducted pursuant to the provisions N.Y. Public Health Law Sec. 230 and N.Y. State Administrative Procedure Act Sections 301-307 to receive evidence concerning the charges that the Respondent has violated provisions of N.Y. Education Law Sec. 6509. Witnesses were sworn or affirmed and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made part of the record.

The Committee has considered the entire record herein and makes this Report of its Findings of Fact, Conclusions and Recommendations to the New York State Commissioner of Health.

STATEMENT OF THE CASE

The Respondent is charged with professional misconduct pursuant to section 6509 of the Education Law and 8 NYCRR 29.1 (b)s, and is charged with four specifications based on a series of factual allegations.

The first specification alleges that the Respondent practiced the profession fraudulently. The second specification alleges that he practiced with gross negligence and/or gross incompetence. The third specification alleges negligence and/or incompetence on more than one occasion. The fourth specification alleges moral unfitness to practice the profession.

The factual allegations are:

A. From on or about January, 1974 through on or about May, 1982, Respondent rendered medical treatment to patient A at his office located in New York, New York.

1. Respondent engaged in sexual relations with Patient A on several occasions during the above described period.
2. On or about April 3, 1980, Respondent improperly prescribed Codeine, a controlled Substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
3. On or about June 24, 1980, Respondent Improperly prescribed Dilaudid (3 mg. rectal suppositories), a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part

was not part of an appropriate treatment plan.

11. On or about May 24, 1982, Respondent improperly prescribed Percodan, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.

PROCEDURAL HISTORY

Statement of Charges dated:	April 20, 1988
Notice of Hearing & Statement of Charges served upon Respondent:	September 1, 1988
Notice of Hearing Returnable:	September 22, 1988
Place of Hearing:	Regional Office of State Health Dept. 8 E. 40th Street New York, N.Y.
Answer:	none filed
Office of Professional Medical Conduct appeared by:	Sylvia P. Finkelstein, Esq. Assistant Counsel
Respondent appeared by:	Gair, Gair & Conason, Esqs. by David Miller, Esq.
Hearings held on:	April 24, and May 1, 1989
Record closed on:	May 1, 1989
Deliberations at the close of the hearing held on:	May 1, 1989
Report submitted:	

WITNESSES CALLED BY DEPARTMENT

Fenton Schaffner, M.D., Chairman of the Quality and Utilization Review Committee at Mount Sinai Medical Center.

WITNESSES CALLED BY RESPONDENT

Joel Glass, Esq., He supervises medical malpractice programs at various hospitals, including Mount Sinai.

Thomas D. Kerenyi, M.D., M.D., the Respondent.

FINDINGS OF FACT

1.) The Respondent, was authorized to practice medicine in New York State on April 17, 1963 by the issuance of license number 089907 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1988 through December 31, 1991 at 1126 Park Avenue, New York, New York 10028.

2.) Respondent treated Patient A starting in 1973 or 1974. On April 3rd of 1980, Respondent prescribed a cough medicine with Codeine as well as erythromycin for flu, sore throat and fever. (T 86, 103; Ex. 6).

3.) On June 24, 1980, Respondent prescribed Dilaudid both as a rectal suppository and in tablets for a painful rectal condition after examining her. (T 87, 88, 104; Ex. 6).

4.) In January and February 1981, Respondent was involved in an affair with Patient A, at her apartment not in the context of rendering any medical treatment to her. (T 89).

5.) During January and February Respondent wrote prescriptions for Demerol, Valium, Dilaudid, Morphine and Dolophine, each time at the request of the Patient about something bothering her. Either she fell and hurt her leg and needed some pain killer. There were actual bruises. (T 89-90, 105-106) (Ex. 3).

6.) On June 21, 1981, Respondent prescribed Percodan at the behest of Patient A. The name of the Patient B.Y. was inserted by him. (Ex. 3) (T 133).

7.) On May 24, 1982, Respondent prescribed Percodan for Patient A at her demand. (T 134).

8.) On February 27, 1981, at the request of Patient A, Respondent wrote a prescription for her boyfriend for Dolophine (Methadone) using a pseudonym, Sandra Smith. The boyfriend was an alien about to be deported according to Patient A and he needed it to tide him over. (T 110-111; Ex. 3).

9.) On February 18, 1981, Patient A's mother called, and Respondent without seeing her wrote a prescription for Morphine Sulfate to be injected for chronic back pain. (T 90, 139-140; Ex. 3).

10.) Patient A made implied threats of blackmail after the affair ended. Respondent told her at the time of the last prescription, when the threat to blackmail him was implicit, that this was the last prescription and that she better get herself another doctor. A law suit was commenced against him a few months later. (T 92-94; Ex. 7, Summons and Complaint).

11.) The suit was settled for \$200,000, towards which he contributed \$45,000. Patient A agreed not to disclose any of the facts in the matter. (T 94-96; Ex. 7, Stipulation of settlement and release.)

12.) The lawsuit and settlement was brought to the attention of Mount Sinai Medical Center resulting in an investigation in which Respondent co-operated to the fullest extent and waived the requirement that patient A keep silent. Patient A refused ~~to~~, and did not comply with a request for her to co-operate in the investigation. (T 40-47).

13.) The committee recommended a suspension of one month, demotion from full professor to associate professor, and to be on probation for a two year period. (T 47-50).

14.) There was no violation of the probation and no further problems. (T 56).

CONCLUSIONS

All of the Findings and Conclusion were arrived at by unanimous vote of the Committee.

The Committee concludes the following:

FIRST SPECIFICATION

A.1. The Respondent engaged in sexual relations with Patient A for only a short period of time, namely January and February 1981, and not in the context of rendering any medical treatment and therefore does not sustain this charge.

A.2, 3, 4, 5, 6, 7, 9 and 11 are not sustained. The Committee concludes that there was insufficient proof that the prescriptions given on these occasions were not for a legitimate medical purpose.

A.8 and 10 are sustained.

SECOND SPECIFICATION

The Findings of Fact do not support a conclusion of either gross negligence or gross incompetence.

THIRD SPECIFICATION

Charges A.3 through A.11 are sustained. On the basis of there being negligence on more than one occasion, this specification is therefore sustained.

FOURTH SPECIFICATION

The Committee in considering all the facts and circumstances surrounding the acts of the Respondent does not find him to be morally unfit to practice the profession and therefore does not sustain the charge.

RECOMMENDATION

This is classical blackmail case in which the victim had to choose between exposure of his infidelity or supply controlled substances to the blackmailer. The Respondent at first issued a few prescriptions in the firm belief that they were medically

of an appropriate treatment plan.

4. On or about June 24, 1980, Respondent improperly prescribed Dilaudid (4 mg. tablets), a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
5. On or about January 7, 1981, Respondent improperly prescribed Demerol, a controlled substance for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
6. On or about February 7, 1981, Respondent improperly prescribed Valium, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
7. On or about February 16, 1981, Respondent improperly prescribed Dilaudid, a controlled substance, for Patient A. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
8. On or about February 18, 1981, Respondent improperly prescribed Morphine, a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and was not a part of an appropriate treatment plan.
9. On or about February 27, 1981, Respondent improperly prescribed Dolophine (Methadone), a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and was not part of an appropriate treatment plan.
10. On or about June 21, 1981, Respondent improperly prescribed Percodan, a controlled substance, for Patient A through the use of a pseudonym or false name. This prescription was not for a legitimate medical purpose and

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

IN THE MATTER :
OF : COMMISSIONER'S
THOMAS D. KERENYI, M.D. : RECOMMENDATION

TO: Board of Regents
New York State Education Department
State Education Building
Albany, New York

A hearing in the above-entitled proceeding was held on April 24 & May 1, 1989. Respondent Thomas D. Kerani, M.D., appeared by Gair, Gair & Conason, Esqs., David G. Miller, Esq., of Counsel. Petitioner appeared by Peter J. Millock, Esq., General Counsel, Silvia Finkelstein, Esq., of Counsel.

NOW, on reading and filing the transcript of the hearing, the exhibits and other evidence, and the findings, conclusions and recommendation of the Committee,

I hereby make the following recommendation to the Board of Regents:

- A. The Findings of Fact and Conclusions of the Committee should be accepted in full;
- B. The Recommendation of the Committee should be accepted in full;
- C. The Board of Regents should issue an order adopting and incorporating the Findings of Fact and Conclusions and further adopting as its determination the Recommendation described above.

EXHIBIT "C"

The entire record of the within proceeding is transmitted with this Recommendation.

Dated: Albany, New York

~~June~~ August 3 1989


DAVID AXELROD, M.D.
Commissioner of Health
State of New York

EXHIBIT "D"

**TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE**

THOMAS D. KERENYI

CALENDAR NO. 10446

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
 - b. That respondent, during the period of probation, has successfully performed 100 hours of public service in the field of medicine, to be selected by respondent and previously approved, in writing, by said employee;
 - c. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 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;
 - d. 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 Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no

THOMAS D. KERENYI (10446)

later than the first three months of the period of probation; and

- e. That respondent shall submit written proof to the New York State Department of Health, 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 to the New York State Department of Health, 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;
2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

THOMAS D. KERENYI

CALENDAR NO. 10446



The University of the State of New York

IN THE MATTER

OF

THOMAS D. KERENYI
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10446

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10446, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (March 23, 1990): That, in the matter of THOMAS D. KERENYI, respondent, the recommendation of the Regents Review Committee be accepted as follows:

1. The hearing committee's 14 findings of fact be accepted, and the Commissioner of Health's recommendation as to those findings of fact be accepted;
2. The hearing committee's conclusions as to the question of respondent's guilt be modified, and the recommendation of the Commissioner of Health as to those conclusions be modified;
3. The hearing committee's and Commissioner of Health's recommendations as to the measure of discipline be modified;
4. Respondent is guilty, by a preponderance of the evidence, of the third specification of the charges based on negligence on more than one occasion to the extent of paragraphs A, A3, A4, A5, A6, A7, and A11 of the statement of charges, and the fourth specification of the

THOMAS D. KERENYI (10446)

charges to the extent of paragraphs A and A1 of the statement of charges, and not guilty of the remaining charges; and

5. That, taking a more serious view of respondent's misconduct for the reasons described in the Regents Review Committee report, respondent's license to practice as a physician in the State of New York be suspended for one year and respondent be required to perform 100 hours of public service upon each specification of the charges of which respondent is guilty, said suspensions to run concurrently and said public service to be imposed concurrently and to total 100 hours, that execution of said suspensions be stayed, and that respondent be placed on probation for one year under the terms prescribed by the Regents Review Committee;

and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 30th day of

March 1990.

Thomas Sobol

Commissioner of Education

