

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12230

OFFICE OF PROFESSIONAL DISCIPLINE, A.V. ZOGG BLDG., 800 FOURTH STREET, RM. 317, LIVERPOOL, NEW YORK 13088

January 30, 1998

Nathan Ionascu, Physician
149 Ridgewood Terrace
Chappaqua, New York 10574

Re: Application for Restoration

Dear Dr. Ionascu:

Enclosed please find the Commissioner's Order regarding Case No. 97-126-60R which is in reference to Calendar No. 0016182. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

Gustave Martine
Supervisor

ma

cc: Phillip M. Gassel, Esq.
Epstein, Becker & Green, PC
250 Park Avenue
New York, New York 10177

FILED 5 1998

STATE OF NEW YORK
OFFICE OF PROFESSIONAL DISCIPLINE
ALBANY, NEW YORK

The University of the State of New York
Education Department



IN THE MATTER

of the

Application of NATHAN IONASCU
for restoration of his license to practice
medicine in the State of New York

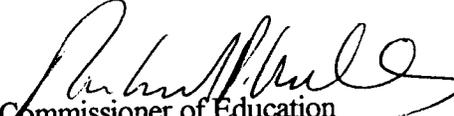
Case No. 97-126-60R

It appearing that the license of NATHAN IONASCU, 149 Ridgewood Terrace, Chappaqua, New York 10574, to engage in the practice of medicine in the State of New York, having been revoked by order of the State Board for Professional Medical Conduct, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 19, 1997, it is hereby

ORDERED that the petition for restoration of License No. 102272, authorizing NATHAN IONASCU, to practice medicine in the State of New York, is denied, but that the execution of the order revoking said license is stayed and said NATHAN IONASCU is placed on probation for a period of one year under the attached terms and conditions.



IN WITNESS WHEREOF, I, RICHARD P. MILLS,
Commissioner of Education of the State of New York,
for and on behalf of the State Education Department,
do hereunto set my hand and affix the seal of the State
Education Department at the City of Albany, this 16
day of January, 1998.


Commissioner of Education

Case No. 97-126-60R

It appearing that the license of NATHAN IONASCU, 149 Ridgewood Terrace, Chappaqua, New York 10574, to engage in the practice medicine in the State of New York, having been revoked by an order of the State Board for Professional Medical Conduct, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 19, 1997, it was

VOTED that the petition for restoration of License No. 102272, authorizing NATHAN IONASCU, to practice of medicine in the State of New York, be denied, but that the execution of the order revoking said license be stayed, and said NATHAN IONASCU be placed on probation for a period of one year under the attached terms and conditions.

EXHIBIT "A"

TERMS OF PROBATION
OF THE PEER COMMITTEE

NATHAN IONASCU

CALENDAR NO. 16182

1. That applicant 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 applicant is in compliance with the following:
 - a. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
 - b. That applicant 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, applicant's residence, telephone number, or mailing address, and of any change in applicant's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
 - d. That applicant 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) applicant is currently registered with the NYSED, unless applicant submits written proof to the New York State Department of Health, that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of

Nathan Ionascu (16182)

New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant 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. That applicant shall supply a written report from a psychiatrist chosen by the applicant and previously approved, in writing by said employee, to which psychiatrist applicant shall submit, at applicant's expense, to an examination and any necessary treatment, said written report by the psychiatrist to state whether or not applicant is fit to practice as a physician in the State of New York; that applicant must be fit to practice as a physician in the State of New York in order to be in compliance with this term of probation, such fitness to be demonstrated by said report from the psychiatrist; and that if information is received by the New York State Department of Health, from said psychiatrist indicating that applicant is unfit to practice applicant's profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents; and
3. If the Director of the Office of Professional Medical Conduct determines that applicant 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.

97-126-60R
September 10, 1997

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Medical License

Re: **Nathan Ionascu**

Attorney: Phillip M. Gassel

Nathan Ionascu, 149 Ridgewood Terrace, Chappaqua, New York 10574, petitioned for restoration of his medical license. The chronology of events is as follows:

- 09/16/68 Issued license number 102272 to practice medicine in New York State.
- 05/19/93 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 12/23/93 Hearing Committee, State Board for Professional Medical Conduct determined and ordered license be revoked.
- 05/02/94 Administrative Review Board for Professional Medical Conduct sustained Hearing Committee determination to revoke license.
- 05/16/94 Order of State Board for Professional Medical Conduct became effective.
- 05/11/95 Petition for restoration submitted.
- 09/06/96 Peer Review Panel restoration review.
- 05/06/97 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 09/10/97 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached Administrative Review Board Determination and Order and Determination and Order of the Hearing Committee.) On May 19, 1993, the Department of Health charged Dr. Ionascu with professional misconduct in the practice of medicine. A Hearing Committee of the State Board for Professional Medical Conduct found on December 23, 1993 that he was guilty of moral unfitness in the practice of medicine for his conduct involving the mothers of two of his patients and ordered that his license be revoked. Specifically, the Hearing Committee found that Dr. Ionascu forced his attentions on both women, kissing one on the mouth, and kissing the other on the shoulder after attempting unsuccessfully to kiss her on the mouth. Dr. Ionascu requested a review of the Hearing Committee's determination on January 3, 1994. The Professional Medical Conduct Administrative Review Board sustained the Hearing Committee's determination and issued its Determination and Order revoking Dr. Ionascu's license effective May 16, 1994. Dr. Ionascu submitted his petition for restoration of his license on May 11, 1995.

Recommendation of the Peer Review Panel. (See attached report of the Peer Review Panel.) The Peer Review Panel (Cordice, Jr., Wu, Jordan) convened on September 6, 1996. In its report, the Panel recommended unanimously that the revocation of Dr. Ionascu's license to practice as a physician in the State of New York be stayed and that he be placed on probation for one year under specified terms and conditions, including an examination and written report from a psychiatrist attesting to Dr. Ionascu's fitness to practice as a physician.

Recommendation of the Committee on the Professions. On September 10, 1997, the Committee on the Professions (Duncan-Poitier, Porter, Alexander) met with Dr. Nathan Ionascu to consider his petition for restoration of his license as a physician in New York State. His attorney, Mr. Philip M. Gassel, accompanied Dr. Ionascu.

The Committee asked Dr. Ionascu to explain the circumstances that resulted in the loss of his license. He replied that he was a pediatrician and there were two very unfortunate, out-of-character incidents with two mothers of two of his patients in 1987 and 1989. Dr. Ionascu said that in 1987 he was seeing a child every two to three weeks when the parents called on a Sunday and came in to discuss why the child was constantly sick. He indicated that he told them he wanted a family history and the mother made an appointment on Saturday. Dr. Ionascu stated that as the mother was leaving the

appointment, he asked, "May I kiss you goodbye?" He said that even though she said, "NO," he kissed the back of her hand, the way it's done in Europe. He told the Committee that he believes she misunderstood his question, but he now knows that you shouldn't intrude into a person's space when they say "No!"

Regarding the other incident, Dr. Ionascu said that the mother had lost a child right after birth but had another two-year-old child. He said that he asked the mother and father to come to a grieving counseling group, but the father didn't come. Dr. Ionascu stated that after lunch, he kissed the mother on the mouth. He said that this was impulsive, but definitely inappropriate, conduct. Dr. Ionascu said that knowing what he did was wrong he subjected himself to therapy to understand why it happened so that it wouldn't happen again. He told the Committee that he learned he had Attention Deficit Disorder (ADD). He said that he was not invoking ADD as an excuse or justification for his actions and was taking full responsibility for what occurred. Dr. Ionascu indicated that before his therapy, he did not understand that his behavior was compulsive, that people listen but don't understand because of a lack of communication.

Dr. Ionascu said that he was being treated for mild depression since 1988 but that it wasn't until 1990, while in psychotherapy and after the incidents, that he was diagnosed with ADD, a chemical imbalance in the brain. He said that his initial therapy for depression didn't do anything for him. He stated that eventually he attended therapy less frequently, stopped taking medication, and stopped therapy after six years of treatment. He said that he now takes no drugs for ADD; only drugs for his heart surgery. Dr. Ionascu indicated that psychotherapy gives insight on how to handle yourself with ADD and it is not necessary to continue on medication forever to accommodate the chemical imbalance.

The Committee asked Dr. Ionascu if he felt his actions had any effect on anyone. He said that the first mother never came back to his office, and he believes his words and actions were a misunderstanding. He told the Committee he apologized to the second woman. Dr. Ionascu stated that the effects on the second woman were terrible, especially since the parents were in a tremendously emotional state because of the death of their newborn. In both cases, he said the victims were not his patients, but the mothers of his patients, and he realizes the harm his actions caused.

Dr. Ionascu reported that he was allowed to practice until 1994, and the Office of Professional Medical Conduct thoroughly investigated him and had no complaints and no negative findings as a result of their investigation. He stated that the punishment has been so terrible, and he has been shunned by friends and ostracized by peers. Dr. Ionascu referred to the written reports of Dr. Marcel Kinsbourne and Dr. Lewis M. Bloomingdale which "state clearly that I'm fit to practice."

The Committee asked Dr. Ionascu about his reactions to the Peer Review Panel's recommendations. He said that the recommended one-year of probation was warranted, but that he was not anxious to consult with a new psychiatrist who really didn't know him. Dr. Ionascu told the Committee that the misconduct occurred ten years ago and he practiced four years after the incidents without incident. He said that he had sincere remorse for the upset he caused to the mothers of his patients, his wife, and his children.

The Committee on the Professions concurs with the observation of the Peer Review Panel that Dr. Ionascu has satisfied the reeducation criteria for restoration of his license. The Committee notes that he has been out of the practice of medicine for only three years and has taken many continuing medical education courses. Likewise, the Committee concurs with the conclusion of the Peer Review Panel that Dr. Ionascu has demonstrated sufficient remorse and rehabilitation. The Committee believes he has demonstrated his understanding of the seriousness of the misconduct that led to the loss of his license and has undertaken therapy to further understand the root causes so that he will not be a threat to the public in the future. The Committee notes that the record contains letters attesting to his satisfactory completion of therapy. Additionally, the Committee concurs with the belief of the Peer Review Panel that Dr. Ionascu has expressed remorse for his actions and regret for any pain caused to the mothers of his two patients. The Committee notes that the Office of Professional Medical Conduct of the Department of Health "has no comment on the restoration of Dr. Ionascu's license."

Therefore, after a complete review of the record, including Dr. Ionascu's personal interview with the Committee on the Professions, the Committee voted unanimously to concur with the recommendation of the Peer Review Panel that the execution of the revocation of Dr. Ionascu's license to practice medicine in the State of New York be stayed and that he be placed on probation for one year under the terms of probation annexed to

the Peer Review Panel Report and labeled Exhibit "A," and that upon successful completion of the terms of probation, Dr. Ionascu's license to practice medicine in the State of New York be fully restored.

Johanna Duncan-Poitier, Chair

Joseph B. Porter

Claudia Alexander