



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.  
Executive Secretary

July 3, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Asher Padeh, M.D.  
9489 Harding Avenue  
Surfside, Florida 33154

RE: License No. 108572

Effective Date: 07/10/95

Dear Dr. Padeh:

Enclosed please find Order #BPMC 95-138 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter of seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

cc: Harold Braxton, Esq.  
Suite 400  
One Datan Center  
9100 S. Dadeland Boulevard  
Miami, Florida 33156-7815

Irene Koch, Esq.

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

IN THE MATTER  
OF  
ASHER S.A. PADEH, M.D.

CONSENT  
ORDER

BPMC#95-138

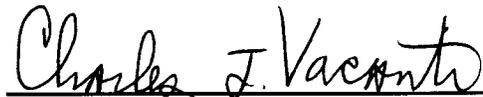
Upon the application of ASHER S.A. PADEH, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application 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 Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 28 June 1995



CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
ASHER S.A. PADEH, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF FLORIDA )  
COUNTY OF DADE ) ss.:

ASHER S.A. PADEH, M.D., being duly sworn, deposes and says:

That on or about May 10, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 108572 by the New York State Education Department.

My current address is 9489 Harding Avenue, Surfside, Florida 33154, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to those specifications, in full satisfaction of the charges against me. I hereby agree to the penalty that my license to practice medicine be suspended for a period of two years, and said suspension be entirely stayed, and that I be placed on probation for a period of two years subject to the terms enumerated in Exhibit "B", annexed hereto and made a part hereof, and that such probation shall be tolled until and unless I commence the active practice of medicine in New York State.

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

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

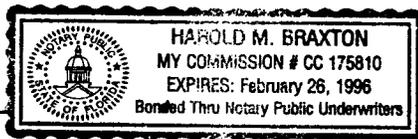


ASHER S.A. PADEH, M.D.  
RESPONDENT

Sworn to before me this

day of , 19

NOTARY PUBLIC



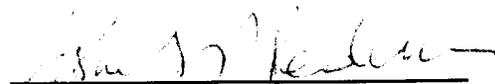
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
ASHER S.A. PADEH, M.D.

APPLICATION  
FOR  
CONSENT ORDER

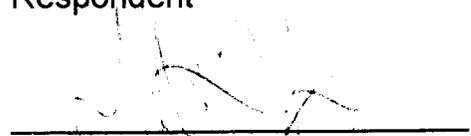
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 5/20/75



ASHER S.A. PADEH, M.D.  
Respondent

DATE: 5/20/75



HAROLD M. BRAXTON, ESQ.  
Attorney for Respondent

DATE: 6/21/75



IRENE M. KOCH  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: July 26, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

DATE: 28 June 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER  
OF  
ASHER S.A. PADEH, M.D.

STATEMENT  
OF  
CHARGES

ASHER S.A. PADEH, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 10, 1971, by the issuance of license number 108572 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about August 30, 1994, the State of Florida, Agency for Health Care Administration, Board of Medicine (the "Florida Board"), after a hearing on the merits, issued a Final Order reprimanding Respondent, imposing a fine of \$5,000.00 payable to the Florida Board, permanently restricting him from prescribing for, or treating, Patient V.L.R., ordering him to complete a course of continuing medical education, placing him on probation for a period of two years, and requiring his practice be indirectly monitored by a physician approved by the Florida Board or its Probationer's Committee. The Florida Board found that Respondent failed to keep medical records for Patient V.L.R., and that, five times during 1988 and 1990, he prescribed, dispensed, administered, mixed or otherwise prepared a legend drug, including any controlled substance, to Patient V.L.R., other than in the course of his professional practice. Specifically, the prescriptions Respondent gave to Patient V.L.R. included prescriptions for Eskalith and Lithobid (brand names for Lithium), Ativan (a controlled substance and tranquilizer), Tegretol (anti-seizure medication also used as a mood stabilizer), Anafranil (a drug for

obsessive/compulsive disorder with or without depression), Endep (an antidepressant), and Halcion (a controlled substance used to treat sleeping disorders). These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Sections 6530(32) (McKinney Supp. 1995) (failing to maintain accurate records); and/or 6530(1) (McKinney Supp. 1995) (practicing the profession fraudulently).

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT  
BY A DULY AUTHORIZED PROFESSIONAL DISCIPLINARY  
AGENCY OF ANOTHER STATE**

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b) (McKinney Supp. 1995) in that he was found guilty of 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 Paragraph A.

#### **SECOND SPECIFICATION**

**HAVING DISCIPLINARY ACTION TAKEN  
AGAINST HIS LICENSE TO PRACTICE MEDICINE**

IN ANOTHER STATE

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(d) (McKinney Supp. 1995) in that he was reprimanded and placed on probation after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another State where the conduct upon which the reprimand and probation 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 Paragraph A.

DATED: May 1, 1995  
New York, New York



---

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### TERMS OF PROBATION

1. ASHER S.A. PADEH, M.D, during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written notification to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, prior to commencing or resuming the active practice of medicine in New York State, that he intends to practice medicine in New York State;
4. Respondent shall not commence or resume the active practice of medicine in New York State until after he has obtained approval by the Director of the Office of Professional Medical Conduct as to the terms of the monitoring and supervision of his practice. The monitoring and supervision required as part of the Terms of Probation shall remain in effect and shall not be interrupted or interfered with in any way;
5. Respondent shall comply with all requirements imposed on him by the Order of the Florida Board, referred to in the Statement of Charges (Exhibit "A"), and shall submit written proof that the Respondent is in compliance with to the Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within two months of such time as Respondent commences or resumes the active practice of medicine in New York State;
6. 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, within the first three months of the period of probation;
7. Respondent shall submit written proof to the NYSDOH, 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 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 or 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;

8. Respondent shall cooperate with the monitoring of Respondent's practice in New York by a monitor approved by the Director of the Office of Professional Medical Conduct. During the term of probation, Respondent's office and hospital practice shall be supervised and monitored by a licensed physician in a position to regularly observe and assess Respondent's medical practice ("practice supervisor"). The practice supervisor(s), and any successor practice supervisor(s) shall be selected by Respondent, subject to approval of the Director of the Office of Professional Medical Conduct, and shall not be a personal friend, nor a relative, of Respondent. The practice supervisor shall review Respondent's professional performance and practice, shall evaluate whether Respondent's care and treatment comport with generally accepted standards of medical practice, and shall meet with Respondent once every quarter, or, more often if the practice supervisor in his/her sole discretion deems it necessary, to discuss his practice. Supervision by the practice supervisor may include: unannounced review of Respondent's patient records; unannounced actual observation of his treatment of patients; unannounced review of his ordering, administering and inventorying of all controlled substances; interviews of Respondent and any other reasonable means of monitoring Respondent's practice. The practice supervisor shall be familiar with the Terms of Probation contained herein, and shall acknowledge his/her willingness to comply with the supervision and monitoring by executing an acknowledgement provided by OPMC. The practice supervisor shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying his compliance or detailing his failure to comply with the Terms of Probation. The practice supervisor shall report immediately to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation;
9. Respondent shall meet with an OPMC Medical Coordinator on a quarterly basis for review of Respondent's patient records and discussion of Respondent's medical practice to determine whether Respondent's care and treatment comport with generally accepted standards of practice. Respondent will maintain legible and complete medical records which accurately reflect his evaluation and treatment of patients. Any deviation from accepted medical practice identified during the probation period may result in an independent medical review and could lead to additional investigation or charges;
10. Respondent shall assume and bear all costs related to compliance with the Terms of Probation;
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
12. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law

§32);

13. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.