



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Coming 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*

June 4, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul Stein, Esq.  
NYS Department of Health  
5 Penn Plaza-Sixth Floor  
New York, New York 10001

Alan R. Vinitzky, M.D.  
902 Wind River Lane #201  
Gaithersburg, MD 20878

RECEIVED  
JUN 04 1996  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

**RE: In the Matter of Alan R. Vinitzky, M.D.**

Dear Mr. Stein and Dr. Vinitzky:

Enclosed please find the Determination and Order (No. 96-136) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Coming Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 all action 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.

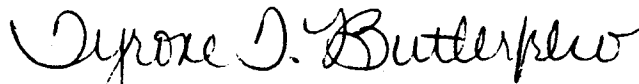
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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 cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

**COPY**

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

**IN THE MATTER**

**-OF-**

**ALAN R. VINITSKY, M.D.**

**DECISION  
AND  
ORDER  
OF THE  
HEARING  
COMMITTEE  
BPMC ORDER  
NO. 96-136**

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated March 1, 1996, which were served upon **ALAN R. VINITSKY, M.D.**, (hereinafter referred to as "Respondent"). **MICHAEL A. GONZALEZ, R.P.A.**, Chairperson, **RAFAEL A. LANTIQUA, M.D.**, and **CALVIN J. SIMONS, M.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 April 17, 1996 at 5 Penn Plaza, New York, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **PAUL STEIN, ESQ.**, Associate Counsel, Bureau of Professional Medical Conduct. Respondent appeared *pro se*. 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 Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or a 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.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530(9)(d) (having one's license suspended or having other disciplinary action taken by the authorized agency of another state). The charges in this proceeding arise from a Consent Orders between Respondent and the State of Maryland. 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.

Respondent testified in this proceeding.

## **FINDINGS OF FACT**

The Committee adopts the factual statement set forth on pages one and two 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 the State of Maryland instituted disciplinary action against Respondent. The Maryland action resulted in a Consent Order between Respondent and the State of Maryland. Petitioner having established the charges, the Committee now turns its attention to penalty.

Respondent was engaged in a family practice in Maryland. The Maryland authorities found that Respondent allowed persons to perform x-rays and ultrasound who were unauthorized in Maryland to do so. In his offer of mitigation, Respondent pointed out that the persons involved were well trained and closely supervised, if specifically unauthorized. Respondent also stated that he was unaware of the regulations in issue.

Ultimately, the Committee found Respondent credible. The acts committed in Maryland were not grave. Respondent was sentenced by Maryland to a license suspension which was stayed in lieu of probation for two years plus a civil penalty of ten thousand dollars. Based upon all the facts and circumstances, the Committee is satisfied to essentially concur with Respondent's home state. The period of probation will allow Respondent to demonstrate that this incident was an unfortunate lapse in an otherwise lawful career. Therefore, this body will suspend the license of Respondent to practice medicine in this state until such time as he has successfully fulfilled all obligations to the State of Maryland arising from Consent Order 94-0715.

**ORDER**

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**

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

2. The Specifications of Misconduct contained within the Statement of Charges are **SUSTAINED**;

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

3. The license of Respondent to practice medicine in the State of New York is **SUSPENDED** until such time as Respondent has successfully fulfilled all obligations to the State of Maryland arising from Consent Order 94-0715, a copy of which is attached hereto as Appendix Two and made a part of this Order;

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 to Respondent.

Dated:  
Elmira, New York

6/2/96 1995



**MICHAEL A. GONZALEZ, R.P.A., Chairperson**

**RAFAEL A. LANTIQUA, M.D.**  
**CALVIN J. SIMONS, M.D.**

TO:

**PAUL STEIN, ESQ.**  
Associate Counsel  
Bureau of Professional Medical Conduct  
New York State Department of Health  
5 Penn Plaza Room 601  
New York, N.Y. 10001

**ALAN R. VINITSKY, M.D.**  
902 Wind River Lane #201  
Gaithersburg, MD 20878



**APPENDIX ONE**

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

**IN THE MATTER**  
**OF**  
**ALAN R. VINITSKY, M.D.**

NOTICE OF  
REFERRAL  
PROCEEDING

TO: ALAN R. VINITSKY, M.D.  
902 Wind River Lane, #201  
Gaithersburg, MD 20878

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on April 17, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

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, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §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: New York, New York  
March , 1996

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Paul Stein  
Associate Counsel  
NYS Department of Health  
Division of Legal Affairs  
5 Penn Plaza, Suite 601  
New York, New York 10001  
(212) 613-2617

**IN THE MATTER**  
**OF**  
**ALAN R. VINITSKY, M.D.**

STATEMENT  
OF  
CHARGES

ALAN R. VINITSKY, M.D., the Respondent, was authorized to practice medicine in New York State on July 18, 1975 by the issuance of license number 124603 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. 1. On or about June 28, 1995, the Maryland State Board of Physician Quality Assurance (hereinafter referred to as "the Maryland Board") issued a Consent Order in case number 94-0715, In the Matter of Alan R. Vinitsky, M.D., which states that Respondent violated Maryland Code Annotated, Health Occupations sec. 14-404(a)(18) by practicing medicine with unauthorized persons or aiding unauthorized persons in the practice of medicine. The Board found that from November 1992 until the time of the Consent Order (for varying periods of time) four individuals not licensed or certified in Maryland as physicians, radiation technologists, or physical therapists were taking X rays and performing ultrasound in Respondent's medical practice.
2. The Consent Order, inter alia, reprimanded Respondent and required that Respondent pay a \$10,000 fine at the rate of \$500 per month.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN BY A DULY AUTHORIZED  
PROFESSIONAL DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530(9)(d) (McKinney Supp. 1996), in that he had his license to practice medicine revoked, suspended or had other disciplinary action taken 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 would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely:

Permitting, aiding or abetting an unlicensed person to perform activities requiring a license (N.Y. Educ. Law sec. 6530 (11) (McKinney Supp. 1996)); and/or

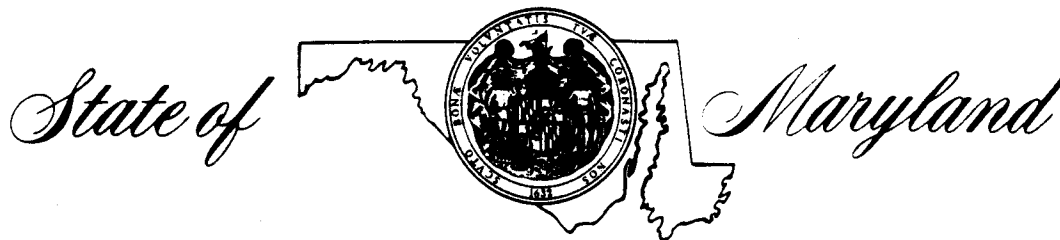
Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them (N.Y. Educ. Law sec. 6530 (25) (McKinney Supp. 1996)).

as Petitioner specifically alleges:

1. The facts in Paragraph A1 and A2.

Dated: New York, New York  
March , 1996

\_\_\_\_\_  
ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct



DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
**BOARD OF PHYSICIAN QUALITY ASSURANCE**

4201 PATTERSON AVE. P.O. BOX # 2571 BALTIMORE, MD 21215-0095

Area Code 410-764-4777

FAX (410) 764-2478

TTY FOR DEAF: Balto. 410-383-7555

D.C. Metro 301-565-0451

Toll Free No: 1 800-492-6836

October 9, 1995

Christopher Morley  
Supervising Investigator  
Office of Professional  
Medical Conduct  
State of New York  
Department of Health  
Albany, NY 12237

Re: Alan R. Vinitzky, M.D.  
MD License #: D22180  
NYS License #: 124603

Dear Mr. Morley:

Pursuant to your request enclosed please find certified copies of the Board of Physician Quality Assurance (the "Board") Consent Order and Charges on the above named physician.

Sincerely,

Geneva Goode  
Secretary to Chief of Compliance

Enclosure:

IN THE MATTER OF \* BEFORE THE  
ALAN R. VINITSKY, M.D. \* STATE BOARD OF PHYSICIAN  
Respondent \* QUALITY ASSURANCE  
License Number: D22180 \* Case Number: 94-0715

\* \* \* \* \*

CONSENT ORDER

On April 18, 1995, the State Board of Physician Quality Assurance (the "Board") charged Alan R. Vinitzky, M.D. (the "Respondent"), D.O.B. 3/21/48, license number D22180, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §14-101 et seq. (1994).

The pertinent provisions of §14-404 of the Act provide:

(a) Subject to the hearing provisions of §14-405 of this subtitle, the Board on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.

On May 3, 1995, a Case Resolution Conference was held. As a result of the Case Resolution Conference, the parties agreed to enter into this Consent Order.

The Board, at its meeting on June 28, 1995, considered the Case Resolution Conference's recommendation and voted<sup>1</sup> to accept this Consent Order.

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<sup>1</sup>A majority of the full authorized membership of the Board voted to accept this Consent Order.



### FINDINGS OF FACT

1. The Respondent has been licensed to practice medicine in the State of Maryland since 1978.

2. The Respondent currently practices family medicine in a medical practice known as Vinitzky and Mizrahi Associates, Inc. ("Vinitzky and Mizrahi"), 902 Wind River Lane, Suite 201, Gaithersburg, Maryland.

3. The Respondent has privileges at Shady Grove Adventist Hospital, Rockville, Maryland.

4. In February 1994, the Board received a complaint regarding care given to a patient at Vinitzky and Mizrahi by a "Dr. Moos." Based upon this complaint, the Board conducted an investigation which disclosed that people who were not licensed or certified in Maryland as physicians, radiation technologists, or physical therapist were taking x-rays and performing ultrasound at Vinitzky and Mizrahi. These individuals included:

#### El Mostafa El Guessab

A foreign medical school graduate, El Mostafa El Guessab, was employed by Vinitzky and Mizrahi and was referred to by office staff as "Dr. Moos." On or about August 17, 1993, "Dr. Moos" introduced himself to a patient as a "physician assistant" and took x-rays and performed ultrasound on the patient;

#### Jodie Ugaz

From about February 1993 until the present, Vinitzky and Mizrahi employed Jodie Ugaz, a physician assistant student, whose duties included performing ultrasound on patients and taking x-rays of patients;

Ivonne Todedo-Gates

From about November 1992 through the present, Vinitzky and Mizrahi employed Ivonne Todedo-Gates, a foreign medical school graduate, whose duties included performing ultrasound on patients and taking x-rays of patients; and

Fawzia Hessami

From about July 1994 through the present, Vinitzky and Mizrahi employed Fawzia Hessami, a foreign medical school graduate, whose duties included performing ultrasound on patients and taking x-rays of patients.

5. The above employees assisted the Respondent in his medical practice at Vinitzky and Mizrahi. These employees performed some tasks normally performed by radiation technologists, physical therapists, or licensed physicians. The Respondent knew that these employees were performing such tasks and authorized them to do so.

6. Immediately upon being notified by the Board that the four employees named above should not be performing ultrasound or taking x-rays, the Respondent had the employees cease all such activities.

7. The Board further finds that nothing contained in this Consent Order should be construed to mean that the Board believes that any adverse action should be taken against the Respondent or against Vinitzky and Mizrahi by any health maintenance organization or insurer.

CONCLUSION OF LAW

The Respondent's practice of medicine with the above persons constitutes the practice of medicine with unauthorized persons or aiding unauthorized persons in the practice of medicine, in violation of Md. Code Ann., Health Occ. §14-404 (a)(18).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 28 day of June, 1995, by the Board of Physician Quality Assurance, hereby:

ORDERED that the Respondent is hereby REPRIMANDED; and it is further

ORDERED that the Respondent shall pay to the Board a fine of \$10,000 at the rate of five hundred dollars (\$500.00) per month; and it is further

ORDERED that the Respondent shall, for three years, provide the Board on an annual basis with affidavits from each employee at Vinitzky and Mizrahi stating the employee's name, training, certification, and description of duties at Vinitzky and Mizrahi; and it is further

ORDERED that the Respondent shall, if requested by the Board, obtain the services of an independent outside auditing service to review patient billings. Vinitzky and Mizrahi would pay the cost of such auditing and would authorize the auditors to report their findings to the Board; and it is further

ORDERED that this Consent Order is a public document, pursuant to Md. Code Ann., State Gov't. § 10-601 et seq.

6/28/95

Date



Israel H. Weiner, M.D., Chairperson  
Board of Physician Quality  
Assurance

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Consent Order consisting of 6 pages.

1. I acknowledge that by signing this Consent Order, I am waiving my right to appeal the Findings of Fact, the Conclusion of Law, and the Order contained in this Consent Order. I also acknowledge that I am waiving my right to a hearing on the charges against me, as well as any appeal from the findings of fact and conclusions of law which would result from such hearing.

2. I have had an opportunity to review the charging document and this Consent Order with my attorney, Elliott A. Alman. Considering carefully the advice of my counsel, I choose to sign this Consent Order understanding its meaning and effect.

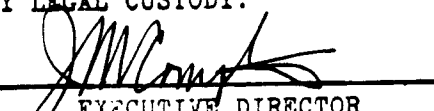
6/2/95

Date




Alan R. Vinitzky, M.D.  
Respondent

I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON 10/10/95 THAT THE FORGOING DOCUMENT IS A TRUE, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.



EXECUTIVE DIRECTOR  
MARYLAND STATE BOARD OF  
PHYSICIAN QUALITY ASSURANCE



Elliott A. Alman  
Attorney for the Respondent

STATE OF MARYLAND )  
COUNTY OF MONTGOMERY )

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of ~~May~~<sup>June</sup>, 1995, before me, a Notary Public for the State and County aforesaid, personally appeared Maryam Mizrahi, M.D. and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Rebecca L. Sucher  
Notary Public

My Commission Expires: April 1, 1996.

IN THE MATTER OF \* BEFORE THE  
ALAN R. VINITSKY, M.D. \* STATE BOARD OF PHYSICIAN  
Respondent \* QUALITY ASSURANCE  
License Number: D22180 \* Case Number: 94-0715

\* \* \* \* \*

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

The State Board of Physician Quality Assurance (the "Board"), hereby charges Alan R. Vinitzky, M.D. (the "Respondent"), D.O.B. 3/21/48, license number D22180, under the Maryland Medical Practice Act (the "Act") Md. Code Ann., Health Occ. §14-101 et seq. (1994).

The pertinent provisions of §14-404 of the Act provide:

(a) Subject to the hearing provisions of §14-405 of this subtitle, the Board on the affirmative vote of the majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.

ALLEGATIONS OF FACT

The Board bases its charges on the following facts which the Board has cause to believe are true:

1. The Respondent has been licensed to practice medicine in the State of Maryland since 1978.

2. The Respondent currently practices family medicine in a medical practice known as Vinitzky and Mizrahi Associates, Inc. ("Vinitzky and Mizrahi"), 902 Wind River Lane, Suite 201, Gaithersburg, Maryland.

3. The Respondent has privileges at Shady Grove Adventist

Hospital, Rockville, Maryland and at Holy Cross Hospital, Silver Spring, Maryland.

4. In February, 1994 the Board received a complaint regarding care given to a patient at Vinitzky and Mizrahi by a "Dr. Moos." Based upon this complaint, the Board conducted an investigation which disclosed that people who were not licensed or certified in Maryland as physicians, radiation technologists, or physical therapist were taking x-rays and performing physical therapy at Vinitzky and Mizrahy. These individuals included:

El Mostafa El Guessab

A foreign medical school graduate, El Mostafa El Guessab, was employed by Vinitzky and Mizrahi and was referred to by office staff as "Dr. Moos." On or about August 17, 1993, "Dr. Moos" was introduced to a patient as a "physician assistant" and took x-rays and performed physical therapy on the patient;

Jodie Ugaz

From about February 1993 until the present, Vinitzky and Mizrahi employed Jodie Ugaz, a physician assistant student, whose duties included performing physical therapy on patients and taking x-rays of patients;

Ivonne Todedo-Gates

From about November 1992 through the present, Vinitzky and Mizrahi employed Ivonne Todedo-Gates, a foreign medical school graduate, whose duties included performing physical therapy on patients and taking x-rays of patients; and

Fawzia Hessami

From about July 1994 through the present, Vinitzky and Mizrahi employed Fawzia Hessami, a foreign medical school graduate, whose duties included performing physical therapy on patients and taking x-rays of patients.

5. The above employees assisted the Respondent in his medical practice at Vinitzky and Mizrahi. These employees performed tasks normally performed by radiation technologists, physical therapists, or licensed physicians. The Respondent knew that these employees were performing such tasks and authorized them to do so.

CONCLUSION

The Respondent's practice of medicine with the above persons constitutes the practice of medicine with unauthorized persons or aiding unauthorized persons in the practice of medicine, in violation of Md. Code Ann., Health Occ. §14-404 (a)(18).

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Board finds that there are grounds for action under Md. Code Ann., Health Occ. §14-404(a)(22), the Board may impose disciplinary sanctions against the Respondent's license, including revocation, suspension, or reprimand and may place the Respondent on probation.

NOTICE OF HEARING, CASE RESOLUTION CONFERENCE,  
AND PRE-HEARING CONFERENCE

A hearing in this matter has been scheduled for July 20, 1995, beginning at 9:00 a.m. in the Office of Administrative



Hearings, Administrative Law Building, Green Spring Station, 10753 Falls Road, Lutherville, Maryland 21093.

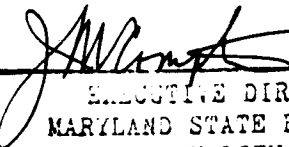
In addition, a case resolution conference in this matter has been scheduled for May 3, 1995 at 3:00 p.m. in the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215; and a pre-hearing conference in this matter has been scheduled for July 11, 1995 at 10:00 a.m. in the Office of Administrative Hearings, Administrative Law Building, Green Spring Station, 10753 Falls Road, Lutherville, Maryland 21093. The nature and purpose of the case resolution conference and pre-hearing conference are described in the attached letter to the Respondent.

4/18/95  
Date



Israel H. Weiner, M.D., Chairperson  
Board of Physician Quality  
Assurance

I HEREBY ATTEST AND CERTIFY UNDER  
PENALTY OF PERJURY ON 10/16/95  
THAT THE FORGOING DOCUMENT IS A  
FULL, TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE AND  
IN MY LEGAL CUSTODY.



EXECUTIVE DIRECTOR  
MARYLAND STATE BOARD OF  
PHYSICIAN QUALITY ASSURANCE

IN THE MATTER OF	*	BEFORE THE
ALAN R. VINITSKY, M.D.	*	STATE BOARD OF PHYSICIAN
Respondent	*	QUALITY ASSURANCE
License Number: D22180	*	Case Number: 94-0715
* * * * *	*	* * * * *

SUMMONS AND NOTICE OF CHARGES AND HEARING

YOU ARE HEREBY SUMMONED to appear at a hearing before an administrative law judge. The administrative law judge refers proposed Findings of Fact, Conclusions of Law and Recommendations to the State Board of Physician Quality Assurance (the "Board") to determine whether you have committed the prohibited acts described in the attached document entitled "Charges under the Maryland Medical Practice Act" and what sanctions, if any, are appropriate.

The hearing is scheduled for July 20, 1995 at 9:00 a.m. in the Office of Administrative Hearings, Administrative Law Building, Green Spring Station, 10753 Falls Road, Lutherville, Maryland 21093. This hearing is held under the authority of Md. Code Ann., Health Occ. §14-404 (1994) and Md. Code Ann., State Gov't §10-201 et seq. (Supp. 1994).

If you do not appear as required by this summons, the administrative law judge may hear this matter in your absence and refer this matter to the Board for disposition as provided under Md. Code Ann., Health Occ. §14-505.

4/18/95  
Date

Israel H. Weiner  
Israel H. Weiner, M.D., Chair  
State Board of Physician Quality Assurance