



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

June 27, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jose Lizardi, M.D.
P.O. Box 5040
Potsdam, New York 13676

License No. 151356

Effective Date: 07/04/95

Dear Dr. Lizardi:

Enclosed please find Order #BPMC 95-136 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 or 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

Enclosure

cc: Robert Iseman, Esq.
Iseman, Cunningham, Riester & Hyde
9 Thurlow Terrace
Albany, New York 12203

Karen Carlson, Esq.

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

-----x

IN THE MATTER :
OF : ORDER
JOSE LIZARDI, M.D. : BPMC #95-136

-----x

Upon the application of Jose Lizardi, 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: 26 June 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
JOSE LIZARDI, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF ST. LAWRENCE) ss.:

Jose Lizardi, M.D., being duly sworn, deposes and says:
That on or about August 20, 1982, I was licensed to practice
as a physician in the State of New York, having been issued
License No. 151356 by the New York State Education Department.

I am currently registered with the New York State Education
Department to practice as a physician in the State of New York
for the period January 1, 1995 through January 31, 1997.

I understand that the New York State Board for Professional
Medical Conduct has charged me with four 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 the first specification of Practicing with
Gross Negligence in full satisfaction of the charges against me.

I hereby agree to the penalty of two years suspension of my
license, that suspension being stayed, to run concurrently with

three years probation.

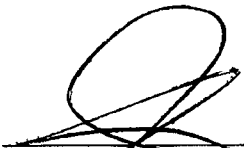
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.

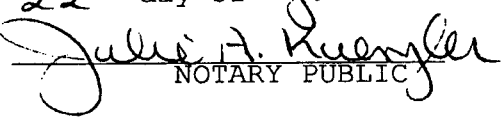
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

The parties agree that the content contained in this Consent Order is not to be used in the pending COBRA violation action between myself and the United States Department of Health and Human Services. Notwithstanding the above, I agree that any subsequent use of the content of this Consent Order shall not affect the validity of my consent to this agreement.

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



JOSE LIZARDI, M.D.
RESPONDENT

Sworn to before me this
22 day of June, 1995.

NOTARY PUBLIC


JULIE A. KUENZLER
Notary Public in the State of New York
St. Lawrence County, No. 488296
My Commission Expires 6-3-97

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

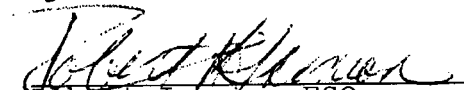
-----X
IN THE MATTER : APPLICATION
OF : FOR
JOSE LIZARDI, M.D. : CONSENT
: ORDER
-----X

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

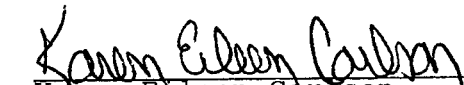
DATE: 6/22/95


Jose Lizardi, M.D.
Respondent

DATE: 6/23/95


Robert Iseman, ESQ.
Attorney for Respondent

DATE: 6/23/95

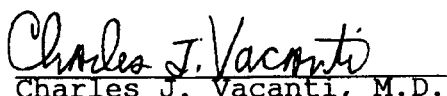

Karen Eileen Carlson
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 6/23/95



Kathleen Tanner
Director
Office of Professional Medical
Conduct

DATE: 26 June 1995



Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

-----X

IN THE MATTER	: STATEMENT
OF	: OF
JOSE LIZARDI, M.D.	: CHARGES

-----X

Jose Lizardi, M.D., the Respondent, was authorized to practice medicine in New York State on August 20, 1982 by the issuance of license number 151356 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, 1995, through January 31, 1997, with a registration address of P.O. Box 5040, Potsdam, New York, 13676.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (patient is identified in Appendix), a 24 year old pregnant woman, on August 9, 1992, at Canton-Potsdam Hospital emergency room, Potsdam, New York.

1. Respondent, after discussing Patient A's condition with the emergency room physician and the radiologist, failed to perform additional diagnostic tests and procedures on Patient A including determinations of hemoglobin/hematocrit levels and/or culdocentesis.

2. Respondent failed to order and/or perform an immediate exploratory laparotomy on Patient A.
3. Respondent transferred Patient A to Massena Memorial Hospital, Massena, New York, which is approximately twenty miles from Canton-Potsdam Hospital.
4. Respondent told Patient A she could travel to Massena Memorial Hospital by private car.

B. Respondent, by engaging in the conduct set forth in A.1 and/or A.2 and/or A.3 and/or A.4 above, violated a term of probation imposed upon him by Order No.7906 of the Commissioner of the New York State Education Department in that:

1. Respondent failed to "conduct himself in all ways in a manner befitting his professional status" and failed to "conform fully to the moral and professional standards of conduct imposed by law and by his profession."
2. Respondent failed to "comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State."

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence on a particular occasion under N.Y. Educ. Law §6530(4) (McKinney Supp. 1995) in that Petitioner charges:

1. The facts in paragraphs A and A.1, and/or A.2 and/or A.3, and/or A.4.

SECOND SPECIFICATION

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence under N.Y. Educ. Law §6530(6) (McKinney Supp. 1995) in that Petitioner charges:

2. The facts in paragraphs A and A.1, and/or A.2, and/or A.3, and/or A.4.

THIRD AND FOURTH SPECIFICATIONS

VIOLATING A TERM OF PROBATION

Respondent is charged with violating a term of his probation under N.Y. Educ. Law §6530(29) (McKinney Supp. 1995) in that Petitioner charges:

3. The facts in paragraphs B and B.1.
4. The facts in paragraphs B and B.2.

DATED: *June 1*, 1995
Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION

1. Jose Lizardi, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That 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, 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 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 later than the first three months of the period of probation;
4. 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;
5. Respondent shall comply with a quarterly, random chart review of all his medical files, by an individual who shall be approved by the Office of Professional Medical Conduct, and who shall make reports to the Office concerning that review four times a year. This is to be conducted at the expense of the Respondent.
6. Respondent shall meet with a representative of the Probation unit of the Office of Professional Medical Conduct four

times a year for the duration of the probation period.

7. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
8. 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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
9. 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.