

3. Offenses against Bonze Anne Rose Blayk and the
People of New York State by detail

PATIENT

Blayk, Bonzeanne H-Phone:()- - DOB :05/01/1956
1668 Trumansburg RD W-Phone:()- -
Ithaca, NY 14850 C-Phone:(607)-351-4879 Sex :F
Race :White Chart:
Account:166833

PRIMARY INSURANCE

Co#: 603 Policy#: AN33246W Insured Name: Bonzeanne Blayk
Molina/Totalcare Medicaid Group Number:
PO Box 22615 Plan Name :
Long Beach, CA 90801 Expired Date: 00/00/00

THERAPY ORDER

Status : Open Ordered Date: 11/19/18
Doctor : Benjamin F Donohue, MD NPI : 1558587204 Start Date : 00/00/00
Address : 16 BRENTWOOD DRIVE LIC : 285114 End Date : 00/00/00
Address2 : ITHACA, NY 14850-1863 Duration : 12 Weeks
Address3 :
Phone : (607)-272-7000 Fax: (607)-272-4604
Therapist: Patient's Choice
Address1 :
Address2 :
Phone : Fax:

Therapy

Frequency

PHYSICAL THERAPY 1-2 times a week prn

Diagnosis: S46.012D Strain of musc/tend the rotator cuff of left shoulder, subs

INSTRUCTIONS

Left shoulder massive rotator cuff tear.
Recent 9/19 very traumatic dislocation, but rotator cuff atrophy indicates likely very chronic tears.

Strengthening L shoulder (limited expectations by me)

Instructions:

Evaluate and Treat

Procedures:

- Massage/Soft tissue Mob.
- Scar Massage
- Mobilization
- ROM AROM
- A/PROM A/AROM
- Therapeutic Exercise
- Isometric
- Progressive Resistive
- Proprioceptive
- Balance Training
- Gait Training
- Stabilization

Modalities:

- Adlib
- Ice
- Heat
- Warm Whirlpool
- Cool Whirlpool
- Paraffin Wax
- Ultrasound
- Phonophoresis
- Aquatherapy
- Tens
- Iontophoresis
- Electric Stimulation

Treatment Goals:

- Increase ROM
- Increase Strength
- Improve Function
- Increase Mobility
- Increase Gen Fitness
- Patient Education

Ordering Physician's Signature: _____

Cayuga Medical Associates

16 Brentwood Drive Ste A
Ithaca, NY 14850-1863
(607)-272-7000

Summary of Today's Visit

November 19, 2018 Visit with BENJAMIN F DONOHUE, MD

Bonzeanne Blayk
1668 Trumansburg RD
Ithaca, NY 14850

DOB: 05/01/1956 Sex: F
Race: White Ethnicity: Not Hispanic / Latino Preferred Language: English

Vitals

Ht: 67"
Wt: 165lb
BP: 131/80
Resp: 17
Pain Level: 1
BMI: 25.8

Today's Diagnosis

Strain of muscle(s) and tendon(s) of the rotator cuff of lef (S46.012D)

Problem List

Noncompliance with treatment
Essential hypertension
Fever
Unspecified dementia without behavioral disturbance (F03.90)
Gender identity disorder
Closed fracture of nasal bones
Leukocytosis
Personality disorder
Nervous system examination NAD

Allergies

No Known Drug Allergy

Medications

Continue
Unspecified Prescriber
Cannabis, Medical

Therapy

Physical Therapy : 1-2 times a week prn for 12 Weeks

MO

Procedures

Inject/Drain Joint/Bursa Major W/O US

Smoking Status

Smoking: Light tobacco smoker (10 or fewer cigarettes/day).

Follow Up

Follow up: 5-6 weeks

Future Appointments

12/26/18 Wed 2:15p Loc: 9 DONOHUE, BENJAMIN F, MD

Loc: 9

ORTHOPEDIC SERVICES OF C.M.A.

CAYUGA MEDICAL ASSOCIATES

16 BRENTWOOD DRIVE STE A

ITHACA, NY 14850-1863

Phone: (607)-272-7000 Fax: (607)-272-4604



Department
of Health

Medical Marijuana Program
REGISTRY IDENTIFICATION CARD



BLAYK
BONZE ANNE ROSE
DOB: 05/01/1956
1668 TRUMANSBURG RD
ITHACA, NY 14850
ISSUE DATE: 09/06/2018

PATIENT





This signed certification must be provided to the patient, or his or her caregiver. The certified patient, or his or her designated caregiver, will need this certification in conjunction with their active patient or designated caregiver registry identification card when purchasing medical marijuana products from a registered organization's dispensing facility.

Practitioner Information: BRIAN BABIAK, 167 RIDGECREST RD, ITHACA, NY. Patient Information: BONZE ANNE ROSE, 1668 TRUMANSBURG RD, ITHACA, NY. Dosing Recommendations: 1-387106251, 1-387106267, 1-387106259. Patient Certification Issue Date: 08/28/2018, Expiration Date: 08/28/2019.

As the practitioner named above, I attest to the following:

- I have reviewed the Prescription Monitoring Program registry for this patient, prior to issuing the certification;
I am caring for this patient in relation to the serious and associated conditions listed above;
By training and/or experience, I am qualified to treat the serious condition(s) listed above;
In my professional opinion and based on my review of past treatments, the patient named above is likely to receive therapeutic or palliative benefit from the primary or adjunctive treatment with medical marijuana for the serious condition(s) listed above;
I have explained the potential risks and benefits of the use of medical marijuana to the above-named qualifying patient and/or the qualifying patient's parent or legal guardian, if applicable, and have documented in the patient's medical record that such explanation has been provided; and
The above-named qualifying patient and/or the qualifying patient's parent or legal guardian, if applicable, have provided informed consent.
This certification, containing my handwritten signature, will be provided to the patient and a copy of this signed certification will be included in the patient's medical record.

Brian Babiak MD

Practitioner Signature:

BRIAN BABIAK

Date: 08/28/2018

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO PENAL LAW § 210.45. ISSUANCE OF A CERTIFICATION WHEN (i) THE RECIPIENT HAS NO MEDICAL NEED FOR IT, OR (ii) IT IS FOR A PURPOSE OTHER THAN THOSE DEFINED IN PHL § 3360 (7) IS PUNISHABLE AS A CLASS E FELONY PURSUANT TO

"You keep using that word.

I do not think it means what you think it means."

Definition of Mental Disorder

Although this volume is titled the *Diagnostic and Statistical Manual of Mental Disorders*, the term *mental disorder* unfortunately implies a distinction between "mental" disorders and "physical" disorders that is a reductionistic anachronism of mind/body dualism. A compelling literature documents that there is much "physical" in "mental" disorders and much "mental" in "physical" disorders. The problem raised by the term "mental" disorders has been much clearer than its solution, and, unfortunately, the term persists in the title of DSM-IV because we have not found an appropriate substitute.

Moreover, although this manual provides a classification of mental disorders, it must be admitted that no definition adequately specifies precise boundaries for the concept of "mental disorder." The concept of mental disorder, like many other concepts in medicine and science, lacks a consistent operational definition that covers all situations. All medical conditions are defined on various levels of abstraction—for example, structural pathology (e.g., ulcerative colitis), symptom presentation (e.g., migraine), deviance from a physiological norm (e.g., hypertension), and etiology (e.g., pneumococcal pneumonia). Mental disorders have also been defined by a variety of concepts (e.g., distress, dyscontrol, disadvantage, disability, inflexibility, irrationality, syndromal pattern, etiology, and statistical deviation). Each is a useful indicator for a mental disorder, but none is equivalent to the concept, and different situations call for different definitions.

Despite these caveats, the definition of *mental disorder* that was included in DSM-III and DSM-III-R is presented here because it is as useful as any other available definition and has helped to guide decisions regarding which conditions on the boundary between normality and pathology should be included in DSM-IV. In DSM-IV, each of the mental disorders is conceptualized as a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress (e.g., a painful symptom) or disability (i.e., impairment in one or more important areas of functioning) or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom. In addition, this syndrome or pattern must not be merely an expectable and culturally sanctioned response to a particular event, for example, the death of a loved one. Whatever its original cause, it must currently be considered a manifestation of a behavioral, psychological, or biological dysfunction in

xxii Introduction

the individual. Neither deviant behavior (e.g., political, religious, or sexual) nor conflicts that are primarily between the individual and society are mental disorders unless the deviance or conflict is a symptom of a dysfunction in the individual, as described above.

A common misconception is that a classification of mental disorders classifies people, when actually what are being classified are disorders that people have. For this reason, the text of DSM-IV (as did the text of DSM-III-R) avoids the use of such expressions as "a schizophrenic" or "an alcoholic" and instead uses the more accurate, but admittedly more cumbersome, "an individual with Schizophrenia" or "an individual with Alcohol Dependence."

We saw *DSM-IV* as a guidebook, not a bible—a collection of temporarily useful diagnostic constructs, not a catalog of "real" diseases. We tried to make this abundantly clear in the introduction to *DSM-IV* and at greater length in the *DSM-IV* Guidebook. Unfortunately, I am not sure anyone ever reads the introduction, and I know that few people have read the Guidebook.^{27,28} People shouldn't worship the *DSM* categories, but it does make you a better clinician to know them.

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A person is guilty of assault in the first degree when:

law/pen-sect-120-11.html

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or
2. With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or
3. Under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person; or
4. In the course of and in furtherance of the commission or attempted commission of a felony or of immediate flight therefrom, he, or another participant if there be any, causes serious physical injury to a person other than one of the participants.

Assault in the first degree is a class B felony.

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New York Consolidated Laws, Penal Law - PEN § 485.05 Hate crimes

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law/pen-sect-485-00.html)

law/pen-sect-485-10.html)

1. A person commits a hate crime when he or she commits a specified offense and either:
(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section

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(assault in the third degree); section 120.05 (https://1.next.westlaw.com/Link/Document/FullText?

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(assault in the second degree); section 120.10 (https://1.next.westlaw.com/Link/Document/FullText?

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(assault in the first degree); section 120.12 (https://1.next.westlaw.com/Link/Document/FullText?

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(aggravated assault upon a person less than eleven years old); section 120.13

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(menacing in the first degree); section 120.14 (https://1.next.westlaw.com/Link/Document/FullText?

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 or four of section 125.20 (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000115&refType=SP>)
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(**criminal mischief in the second degree**); section 145.12
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(**criminal mischief in the first degree**); section 150.05
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(**petit larceny**); section 155.30 ([https://1.next.westlaw.com/Link/Document/FullText?
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(**grand larceny in the fourth degree**); section 155.35
([https://1.next.westlaw.com/Link/Document/FullText?
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(**grand larceny in the third degree**); section 155.40
([https://1.next.westlaw.com/Link/Document/FullText?
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(**grand larceny in the second degree**); section 155.42
([https://1.next.westlaw.com/Link/Document/FullText?
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(**grand larceny in the first degree**); section 160.05 ([https://1.next.westlaw.com/Link/Document/FullText?
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(**robbery in the third degree**); section 160.10 ([https://1.next.westlaw.com/Link/Document/FullText?
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(**robbery in the second degree**); section 160.15 ([https://1.next.westlaw.com/Link/Document/FullText?
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(**robbery in the first degree**); section 240.25 ([https://1.next.westlaw.com/Link/Document/FullText?
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(**harassment in the first degree**); subdivision one ([https://1.next.westlaw.com/Link/Document/FullText?
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(**aggravated harassment in the second degree**); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

(a) the term “age” means sixty years old or more;

(b) the term “disability” means a physical or mental impairment that substantially limits a major life activity.

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Read this complete New York Consolidated Laws, Penal Law - PEN § 485.05 Hate crimes on Westlaw

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SUMMARY:

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

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Kidnapping

Definition

A crime at common law consisting of an unlawful restraint of a person's liberty by force or show of force so as to send the victim into another country. Under modern law, this crime will usually be found where the victim is taken to another location or concealed.

In some jurisdictions, kidnapping accompanied by bodily injury, sexual assault, or a demand for ransom elevates the crime to first-degree or aggravated kidnapping. Although the terms kidnapping and abduction are, at times, used interchangeably, abduction is broader, generally not requiring the threat or use of force.

Illustrative caselaw

See, e.g. *United States v. Rodriguez-Moreno*, 526 U.S. 275 (1999).

See also

- Abduction

menu of sources

Federal Material

Federal Statutes

- 18 U.S.C. § 1201, federal kidnapping statute
- 42 U.S.C. § 5791, Amber Alert

Key Internet Sources

- National Center for Missing and Exploited Children

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