



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen
Executive Deputy Commissioner

December 30, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bradley C. Mohr, Esq.
NYS Department of Health
Empire State Plaza
Corning Tower Room- 2509
Albany, New York 12237

Grimislav Drezga, M.D.
545 8th Avenue #4
New York, N.Y. 10018-4307

Grimislav Drezga, M.D.
145 Westchester Avenue
White Plains, N.Y. 10601

RE: In the Matter of Grimislav G. Drezga, M.D.

Dear Mr. Mohr and Dr. Drezga,

Enclosed please find the Determination and Order (No. 98- 319) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 penalties **other than suspension or revocation** 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
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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 black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T" and "B".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:bjs
Enclosure

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

COPY

IN THE MATTER

-OF-

**GRIMISLAV G. DREZGA,
M.D.**

**DECISION
AND ORDER
OF THE
HEARING
COMMITTEE**

BPMC ORDER NO.

98 - 319

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated October 20, 1998. The Notice of Hearing and Statement of Charges were served upon **GRIMISLAV G. DREZGA, M.D.**, (hereinafter referred to as "Respondent"). A hearing was held on November 24, 1998 at Hedley Park Place, Troy, New York.

A Hearing Committee was constituted pursuant to Section 230(10)(e) of the Public Health Law. The members of this Committee were **ROGER M. OSKVIG, M.D.**, Chairperson, **PATRICK A. FANTAUZZI, M.D.**, and **PROF. GEORGE SIMMONS, Ed. D.** Each member of the Committee was a duly designated member of the State Board for Professional Medical Conduct.

JONATHAN M. BRANDES, ESQ., Administrative Law Judge, served as the Administrative Officer in this matter.

The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner" or "the Board") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **BRADLEY MOHR, ESQ.**, Assistant Counsel, Bureau of Professional Medical Conduct.

Respondent did not appear in person or by counsel.. Jurisdiction was established. Respondent was found to be in default. 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 Section 6530 (9)of the Education Law. In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or 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 based solely upon the record of the previous conviction or discipline.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530 (9) (d) (having been found guilty of professional misconduct in another jurisdiction where the acts upon which the discipline was based upon would constitute professional misconduct). 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.

SIGNIFICANT LEGAL DECISIONS

The Board established jurisdiction over Respondent. The Administrative Law Judge found Respondent to be in default.

FINDINGS OF FACT

The Committee adopts the factual statements set forth on pages one through three of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

CONCLUSIONS WITH REGARD TO FACTUAL ALLEGATIONS SPECIFICATIONS AND PENALTY

Petitioner herein has proven by a preponderance of the evidence that Respondent was appropriately served with notice of this proceeding. The Administrative Law Judge ruled that Petitioner had established jurisdiction and hence Respondent was in default.

Petitioner has proven by a preponderance of the evidence that Respondent was found guilty of professional misconduct in Utah. The license to practice medicine held by Respondent in Utah was revoked. The acts upon which the Utah action was based would, if committed in New York,

constitute negligence on more than one occasion, gross negligence, incompetence on more than one occasion, gross incompetence and willfully harassing, abusing, or intimidating a patient.

Petitioner has also established by a preponderance of the evidence that Utah revoked the medical license of Respondent. Therefore, the factual allegations and Specifications in this proceeding are sustained. The Committee now turns its attention to what penalty to impose.

Respondent has been found guilty of gross negligence and gross incompetence as well as other serious infractions in the state of Utah. Respondent had knowledge of this proceeding but did not appear. By failing to appear at this proceeding, Respondent has shown contempt for the Board. In addition, there is absolutely no evidence of contrition or rehabilitation.

Based upon all the above, it is the unanimous conclusion of this panel that this physician presents a potential danger to the people of any state in which he is allowed to practice. Respondent also has shown contempt for this body. Such a significant level of threat to the people of this state plus the failure to appear constitutes levels of misconduct which cannot be tolerated. The only appropriate sanction is revocation.

ORDER

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges (Appendix One) are **SUSTAINED**;

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

2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;

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

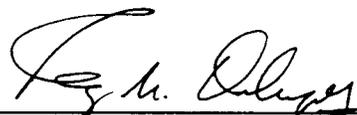
3. The license of Respondent to practice medicine in the state of New York is hereby **REVOKED**;

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

4. This order shall take effect **UPON RECEIPT** by Respondent or her attorney or **SEVEN (7) DAYS** after mailing of this order by Certified Mail to Respondent or her attorney.

Dated:
Pittsford, New York

December 22 1998



ROGER M. OSKVIG, M.D., Chairperson

PATRICK A. FANTAUZZI, M.D.,
PROF. GEORGE SIMMONS, Ed. D

TO:

BRADLEY C. MOHR ESQ.
Assistant Counsel
Bureau of Professional Medical Conduct
Corning Tower
Albany, N.Y. 12237

GRIMISLAV DREZGA, M.D.
545 8th Avenue # 401
New York, NY 10018-4307

GRIMISLAV DREZGA, M.D.
145 Westchester Avenue
White Plains, NY 10601

APPENDIX ONE

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

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IN THE MATTER : NOTICE OF
OF : REFERRAL
GRIMISLAV DREZGA, M.D. : PROCEEDING
: :
A.K.A.
GRIMISLAV GREGORY DREZGA, M.D. :
-----x

TO: GRIMISLAV DREZGA, M.D.
545 8TH Avenue #401
New York, N.Y., 10018-4307

145 Westchester Avenue
White Plains, N.Y. 10601

STATE OF NEW YORK
DEPARTMENT OF HEALTH
DEPT.....
DATE.....

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 24th day of November, 1998 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 13, 1998.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of

all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 13, 1998 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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: Albany, New York
October 20, 1998



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

Inquiries should be addressed to:

Bradley Mohr
Senior Attorney
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
GRIMISLAV DREZGA, M.D. : CHARGES
A.K.A. :

GRIMISLAV GREGORY DREZGA, M.D.

-----X

GRIMISLAV DREZGA, M.D., a.k.a. GRIMISLAV GREGORY DREZGA, M.D., the Respondent, was authorized to practice medicine in New York State on JANUARY 18, 1971, by the issuance of license number 107927 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent, was disciplined by the State of Utah, Division of Occupational and Professional Licensing of the Department of Commerce, Order dated February 4, 1998, Case No. DOPL-97-145. The disciplinary action consisted of revocation of Respondent's license to practice medicine and his right to prescribe and administer controlled substances.

2. Respondent was disciplined for unprofessional conduct involving gross and repeated acts of negligence and incompetence and verbal and physical abuse of patients and medical staff. Respondent's conduct more specifically consisted of: failing to appropriately administer and monitor Cervidil (dinoprostone);

attempting a high forceps delivery without any indications of a life threatening emergency; failing to notify the surgical team prior to attempting a forceps delivery; failing to notify the hospital operating room of a possible cesarean section delivery prior to attempting forceps delivery; causing a comminuted skull fracture of a newborn infant, necessitating surgery for decompression of a epidural hematoma and treatment for seizure; inappropriate administration and monitoring of Pitocin (oxytocin) in violation of facility protocol; artificially rupturing a patient's membranes even though the infant's head was not engaged; inappropriately delaying a dilation and curettage (D & C) on a patient that was heavily bleeding due to a miscarriage; using foul and abusive language with a patient that was in active labor; verbally abusing another patient; and pushing a nurse midwife.

3. The conduct resulting in the disciplinary action, would if committed in New York State, constitute professional misconduct under New York State Education Law (NYSED), namely: §6530 (3) (negligence on more than one occasion); §6530(4) (gross negligence); (5) (incompetence on more than one occasion); §6530 (6) (gross incompetence); and §6530(31) (willfully harassing, abusing, or intimidating a patient either verbally or physically).

SPECIFICATIONS

FIRST SPECIFICATION

DISCIPLINARY ACTION IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York State Education Law §6530(9)(d), in that, he had a disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would if committed in New York State, constitute professional misconduct under the laws of New York State, NYSED §6530(3) (negligence on more than one occasion); §6530(4) (gross negligence); §6530(5) (incompetence on more than one occasion); §6530(6) (gross incompetence); and §6530(31) (willfully harassing, abusing, or intimidating a patient either verbally or physically), in that Petitioner charges:

1. The facts of paragraphs 1 and/or 2 and/or 3.

DATED: OCTOBER 20, 1998
Albany, New York


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