



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Nirav R. Shah, M.D., M.P.H.
Commissioner
NYS Department of Health
Sue Kelly
Executive Deputy Director
Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Carmella Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

PUBLIC

March 4, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gerasimos Papadatos, M.D.

Redacted Address

Re: License No. 142263

Dear Dr. Papadatos:

Enclosed is a copy of BPMC #11-54 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 11, 2011.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

IN THE MATTER
OF
GERASIMOS PAPADATOS, M.D.

CONSENT
ORDER

BPMC: #11-54

Upon the application of (Respondent) GERASIMOS PAPADATOS, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE:

03/04/11

REDACTED

~~KENDRICK A. SEARS, M.D.~~
Chair
State Board for Professional Medical Conduct

**IN THE MATTER
OF
GERASIMOS PAPADATOS, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

GERASIMOS PAPADATOS, M.D., represents that all of the following statements are true:

That on or about May 30, 1980, I was licensed to practice as a physician in the State of New York, and issued License No. 142263 by the New York State Education Department.

My current address is Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with ^{seven D.P. 125M J} ~~one~~ specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I cannot successfully defend against at least one of the specifications of misconduct, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand..

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to

be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 2-23-11

REDACTED

GERASIMOS PAPADATOS, M.D.,
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: _____

~~LAWRENCE KOBAK, ESQ.
Abrams, Fensterman, Fensterman, Eisman,
Greenberg, Formato, & Einiger, LLP
Attorney for Respondent~~

J. Q. 2/23/11

DATE: 2/23/11

REDACTED

~~DANIEL GUENZBURGER~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/2/11

REDACTED

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
GERASIMOS PAPADATOS, M.D.

STATEMENT
OF
CHARGES

GERASIMOS PAPADATOS, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 30, 1980, by the issuance of license number 142263 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about and between September 1993 and April 5, 2005, Respondent treated Patient A for erectile dysfunction. Patient A had a history of non-insulin-dependent diabetes and hypertension. On January 31, 2001, Respondent performed the surgical insertion of a semi-rigid penile prosthesis at Cabrini Hospital, New York, New York, and he provided post-operative care at his office, 26-05 23rd Street, Astoria, New York, from February 8, 2001 to April 5, 2001. Patient A is identified in the Appendix.

On or about February 26, 2001 the Respondent noted "penile trauma" which he attributed to Patient A having fallen on his penis several days before the visit. Respondent observed that Patient A's penis was edematous with skin loss on the left side. On or about April 3, 2001, Respondent diagnosed a urethral fistula. He inserted a foley catheter which he planned to leave in place for 20 days. He directed the Patient to return to his office in 3 weeks. With regard to April 3, 2001 visit, Respondent deviated from medically accepted standards in that he:

1. Failed to remove and/or take appropriate steps to have the prosthetic device removed.
 2. Failed to provide for appropriate monitoring of a patient at high risk for infection during the three week period between the insertion of the catheter and date the Patient was directed to return to the office.
- B. On or about April 5, 2001, Patient A presented for an unscheduled office visit at which time the Respondent noted sloughing of the left corpus cavernosum and exposure of the left prosthesis. Respondent removed the exposed left prosthesis and, according to the his office note, directed that the patient return to the office for a follow-up visit. Respondent left New York for an extended vacation the following day.

Contrary to the Respondent's note, Patient A presented to the Coney Island Hospital, Brooklyn, New York, several hours after leaving Respondent's office. On April 6, 2001, the Patient underwent penile debridement, a partial penectomy and removal of the penile prosthesis.

With regard to the April 5, 2001 office visit, Respondent deviated from medically accepted standards in that he:

1. Failed to make reasonable arrangements for Patient A's continued care, including but not limited to failing to communicate with a physician and/or other appropriate health care professional regarding Patient A's condition and the need for the emergent removal of the right penile prosthesis.

- C. Respondent failed to maintain a record that accurately reflected his treatment of Patient A, including but not limited to his failure to note arrangements for the removal of the right penile prosthesis in the April 5, 2001 progress note.
- D. Respondent concealed, with intent to deceive, that on or about April 5, 2001 he instructed Patient A to go directly from his office to the emergency room. Respondent concealed the instructions:
1. In his April 5, 2001 progress note. The only follow up instructions Respondent wrote was that the Patient should return to the office.
 2. In testimony Respondent gave under oath on or about January 14, 2005. In response to the following question Respondent gave the following answer:
Question: "Did you consider referring him to the hospital, on that day, April 5, 2005?"
Answer: "No, there was no reason for him to go immediately."

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. A, A1, A2, B and B1.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. A, A1, A2, B and B1.

THIRD SPECIFICATION

NEGLECT OF A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(30) by abandoning or neglecting a patient under and in need of immediate care without making reasonable arrangements for the continuation of such care, as alleged in the facts of:

3. A, A2, B and B1.

FOURTH AND FIFTH SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

4. D and D1.
5. D and D2.

SIXTH SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

6. D and D2.

SEVENTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

7. C.

DATE: December 15, 2010
New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct