



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

November 19, 1992

**C. Maynard Guest, M.D.**  
Executive Secretary

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Emanuel Somers, M.D.  
170 Sands Point Road  
Fort Washington, New York 11050

RE: License No. 103366  
Effective Date 11/13/92

Dear Dr. Somers:

Enclosed please find Order #BPMC 92-100 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 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Nathan Dembin, Esq.  
Thurm & Heller  
26 Broadway  
New York, New York 10004

Ralph Bavaro, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
EMANUEL SOMERS, M.D. : BPMC 92-100

-----X

Upon the application of EMANUEL SOMERS, 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: 14 October 1992

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  
EMANUEL SOMERS, M.D. : CONSENT  
: ORDER  
-----X

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

EMANUEL SOMERS, M.D., being duly sworn, deposes and says:  
That on or about April 21, 1969, I was licensed to  
practice as a physician in the State of New York, having been  
issued License No. 103366 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, 1991 through December 31,  
1992. My address is 170 Sands Point Road, Port Washington, New  
York 11050.

I understand that the New York State Board of Professional  
Medical Conduct has charged me with two Specifications of  
professional misconduct.

A copy of the Amended Statement of Charges is annexed  
hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification in full satisfaction of the charges against me.

I hereby agree to the penalty of being placed on probation for a period of two years in accordance with the Terms of Probation annexed hereto, made a part hereof, and marked as Exhibit "B".

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.

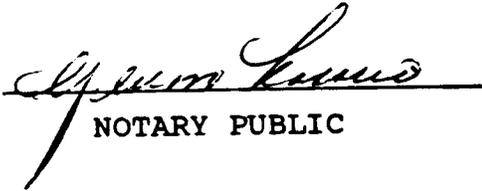
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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



EMANUEL SOMERS, M.D.  
RESPONDENT

Sworn to before me this  
3rd day of SEPT, 1992



NOTARY PUBLIC

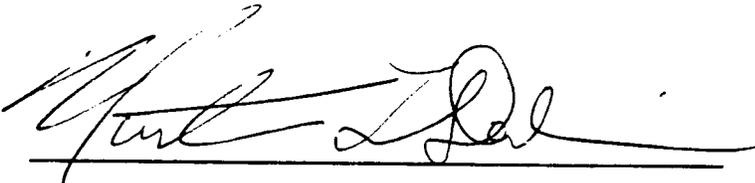
GENARO ROSARIO  
Notary Public, State of New York  
No. 31-4972188  
Qualified in New York County  
Commission Expires Sept. 24, 1992

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
EMANUEL SOMERS, 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: SEPT. 3, 1992   
EMANUEL SOMERS, M.D.  
RESPONDENT

Date: Sept 15<sup>th</sup> 1992   
NATHAN DEMBIN, ESQ.  
ATTORNEY FOR RESPONDENT

Date: Oct. 6, 1992   
RALPH J. BAVARO  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Nov. 9, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 14 October 1992

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 AMENDED  
IN THE MATTER : STATEMENT  
OF : OF  
EMANUEL SOMERS, M.D. : CHARGES  
-----X

EMANUEL SOMERS, M.D., the Respondent, was authorized to practice medicine in New York State on April 21, 1969 by the issuance of license number 103366 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, 1991 through December 31, 1992 from 170 Sands Point Road, Port Washington, New York 11050.

FACTUAL ALLEGATIONS

- A. With respect to Patient A, a 59 year old female, Respondent performed a pathological examination of a laryngeal biopsy on or about June 20, 1988, at Flushing Hospital Medical Center, Brooklyn, N.Y. ("Flushing Hospital"). Respondent incorrectly diagnosed squamous cell carcinoma instead of a benign vocal cord nodule. (Patient A and all patients hereinafter mentioned are identified in Appendix A).

- B. With respect to Patient B, a 28 year old female, Respondent performed pathological examination of lymph nodes and other tissue on or about June 19, 1990 at Flushing Hospital. Respondent incorrectly diagnosed lymph nodes as positive for carcinoma.
- C. With respect to Patient C, a 88 year old female, Respondent performed a pathological examination of a tonsil biopsy on or about June 1, 1989, at Flushing Hospital. Respondent incorrectly diagnosed squamous cell carcinoma.

#### SPECIFICATION OF CHARGES

##### FIRST SPECIFICATION

##### PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law, Section 6530(3), (McKinney Supp. 1992), in that Petitioner charges two or more of the following:

1. The facts contained in Paragraphs A, B and/or C.

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE  
THAN ONE OCCASION

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1992), in that Petitioner charges two or more of the following:

2. The facts contained in Paragraphs A, B and/or C.

DATED: New York, New York

*8/14/92*



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. EMANUEL SOMERS, 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 Health Department, 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. During the term of this probation, Respondent's pathology practice shall be subject to monitoring by designees of the Director of OPMC. Such monitoring shall include unannounced review of patient records and pathological specimens, visits to Respondent's place or places of

pathology practice, interviews of Respondent, and any other reasonable means of monitoring Respondent's practice of pathology.

6. 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.