



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 14, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Saul Stromer, M.D.
1075 Park Avenue
New York, NY 10128

RE: License No. 167579

Dear Dr. Stromer:

Enclosed please find Order #BPMC 99-97 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 14, 1999**.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Alan Lambert, Esq.
Lipshutz & Polland
675 Third Avenue
New York, NY 10017

David W. Smith, Esq.

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

IN THE MATTER
OF
SAUL R. STROMER, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #99-97

STATE OF NEW YORK)
COUNTY OF) SO.:

SAUL R. STROMER, M.D., (Respondent) being duly sworn, deposes and says:

That on or about August 21, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 167579 by the New York State Education Department.

My current address is 920 Park Avenue, New York, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I acknowledge that the New York State Board for Professional Medical Conduct has charged me with nine (9) specifications of professional misconduct and that a hearing is currently in progress.

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

I state that I cannot successfully defend against the First Specification in full satisfaction of the charges against me. I hereby agree that I shall be subject to a Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose several conditions upon me with the full force and effect of Conditions imposed pursuant to Public Health Law §230. I stipulate and

agree that any failure by me to comply with any of the Conditions shall constitute professional misconduct as defined by N.Y. Educ. Law §§ 6530(15) and (29). Said Conditions are enumerated below and set forth in Exhibit "B" attached hereto and made a part hereof. The Conditions enumerated below shall stay in effect as long as respondent is licensed to practice medicine in this state. The conditions listed in Exhibit "B" shall remain in effect for a period of three (3) years from the date of the Order herein subject to the tolling provisions set forth in such Exhibit.

1. Respondent shall maintain current registration of his medical license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This Condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and
2. Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This Condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of completing the ongoing hearing on the merits, I knowingly waive any right I may have to contest any aspect of the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 5/31/94



SAUL R. STROMER, M.D.
RESPONDENT

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

DATE: 5/3/99


ALAN LAMBERT, ESQ.
Attorney for Respondent

DATE: 5/5/99


DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 5/7/99


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SAUL R. STROMER, M.D.

CONSENT
ORDER
BPMC #99-97

Upon the proposed agreement of SAUL R. STROMER, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 5/11/99


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
SAUL R. STROMER, M.D.

AMENDED
STATEMENT
OF
CHARGES

SAUL R. STROMER, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 21, 1986, by the issuance of license number 167579 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During in or about 1993 and 1994, Patient A was treated by Respondent for pregnancy both at his office at 1075 Park Avenue, New York City ("Office") and at the Mount Sinai Medical Center, One Gustave L. Levy Place, New York City ("Center").
1. During labor, the Fetal Heart Rate (FHR) of Patient A showed multiple segments of a non-reassuring pattern. Despite this, Respondent failed to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
 2. Respondent inappropriately delayed the delivery of Patient A.
 3. Respondent inappropriately continued Patient A on Pitocin administration.

4. Respondent, as attending physician, failed to note any evaluations of Patient A during labor.
- B. During 1991 and 1992, Patient B was treated by Respondent for pregnancy at the Office and the Center.
1. During labor, the FHR of Patient B showed multiple non-reassuring patterns. Nevertheless, Respondent failed to evaluate, follow-up or treat condition or note such evaluation, follow-up or treatment, if any.
 2. Respondent inappropriately continued Patient B on Pitocin administration during labor.
 3. Respondent inappropriately delayed the delivery of Patient B.
 4. Respondent inappropriately performed a low forceps delivery on Patient B.
 5. Respondent, as attending physician, failed to note any evaluations of Patient B during labor.
- C. Between in or about 1992 and in or about August, 1993, Patient C was treated by Respondent for pregnancy at the Office and at the Center.

1. In or about March, 1993, Respondent inappropriately failed to perform or obtain a sonogram of Patient C or note the results thereof, if any.
2. During the labor, Respondent inappropriately commenced Pitocin administration.
3. The FHR of Patient C showed multiple non-reassuring patterns. Nevertheless, Respondent failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

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)(McKinney Supp. 1999) 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. Paragraphs A and A1-4; B and B1-5; and/or C and C1-3.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1999) 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. Paragraphs A and A1-4; B and B1-5; and/or C and C1-3.

THIRD AND FOURTH SPECIFICATION
GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1999) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

3. Paragraphs A and A1-4.
4. Paragraphs B and B1-5.

FIFTH AND SIXTH SPECIFICATIONS
GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1999) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

5. Paragraphs A and A1-4.
6. Paragraphs B and B1-5.

SEVENTH THROUGH NINTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of each patient within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) as alleged in the facts of the following:

7. Paragraphs A and A1, 4.
8. Paragraphs B and B1, 5.
9. Paragraphs C and C1, 3.

DATED: April , 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Conditions

1. Respondent shall conduct himself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. These Conditions shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The terms of these Conditions shall resume and Conditions which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
4. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
5. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding all aspects of medical practice.
6. Respondent shall enroll in and complete a continuing education program or programs in the area of management of High-Risk Obstetrical Patients to be equivalent to at least 50 credit hours of Continuing Medical Education per year, over and above any recommended minimum standards set by the American College of Obstetricians and Gynecology. Said continuing education program or programs shall be subject to the prior written approval of the Director of OPMC. Written verification of the successful completion of this program or programs shall be reported to OPMC on an annual basis.
7. Respondent shall manage the labor and delivery of obstetrical patients only when monitored as hereafter described in his medical practice. There shall be a practice monitor on-site at all affiliated hospital locations. The practice monitor shall be proposed by Respondent and subject to the written approval of the Director. The practice monitor shall not be a family

member or personal friend, or be in a professional relationship which could pose a conflict with monitoring responsibilities described herein. The Director, in consultation with Respondent and all practice monitors shall develop a Monitor Plan Agreement to which all practice monitors shall agree.

- Respondent shall ensure that the practice monitor is familiar with the Order and Conditions, and willing to report to OPMC. Respondent shall ensure that the practice monitor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice monitor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
 - Respondent shall cause the practice monitor to directly observe Respondent's medical practice in accordance with a monitoring plan. Such monitoring plan shall include provisions for the direct observation of the Respondent's medical practice, by either the practice monitor himself or other duly designated physicians, including, but not limited to, reviewing patient charts, discussing case management and direct observation of the Respondent in the labor and delivery rooms. The monitoring plan shall delineate the types of cases which Respondent must seek the prior approval of the practice monitor, or other designated alternate physician, including, but not limited to, all cases which involve the ordering and/or administration of oxytocin (Pitocin), the therapeutic induction of labor or decisions for operative delivery.
 - Respondent shall authorize the practice monitor to have access to his patient records and to submit quarterly written reports to the Director of OPMC, regarding Respondent's practice including verification of Respondent's compliance with the approved monitoring plan. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, detailed case description of any case found to not meet the established standard of care, the monitor's assessment of patient records selected for review and Respondent's general demeanor, time and attendance, and other such on-duty conduct as the monitor deems appropriate to report.
8. Respondent shall be obligated to take and pass the "open book" re-certification exam given annually by the American Board of Obstetricians and Gynecologists beginning within one year from the date of the Order herein. Failure to pass such examination on any attempt may, in the discretion of the Director of OPMC constitute a violation of these Conditions. Respondent shall send a copy of the results of such exam, as he receives them, to the Director after each attempt. Any continuing medical education credits obtained by taking such examination shall not count against the credits required under Paragraph 6 above.
9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these Conditions, the Director of

OPMC and/or the Board may initiate a violation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

10. The Conditions set forth in this Exhibit "B" shall remain in effect for a period of three (3) years from the date of the Order herein, subject to the tolling provisions set forth above.