



*New York State Board for Professional Medical Conduct*

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

August 13, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Anthony S. Pignataro, M.D.  
531 Center Road  
West Seneca, New York 14224

RE: License No. 167795

Dear Dr. Pignataro:

Enclosed please find Order #BPMC 98-176 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 20, 1998**.

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  
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: Carmen P. Tarantino, Esq.  
Brown & Tarantino, LLP  
1500 Rand Building  
14 Lafayette Square  
Buffalo, New York 14203

Kevin C. Roe, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
ANTHONY STEVEN PIGNATARO, M.D. : BPMC # 98-176

-----X

ANTHONY STEVEN PIGNATARO, M.D., says:

On or about September 5, 1986, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 167795 by the New York State Education Department.

I understand that I have been charged with thirty specifications of professional misconduct as set forth in the Amended Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I admit guilt to the first, fifteenth, and sixteenth specifications, and do not contest the second, fifth, seventeenth, eighteenth and twenty-second specifications of the Amended Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

  
ANTHONY STEVEN PIGNATARO, M.D.  
Respondent

Subscribed before me this  
28<sup>th</sup> day of July, 1998

  
\_\_\_\_\_  
NOTARY PUBLIC

BRENDA WEIGEL  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
My Commission Expires Aug. 23, 1999

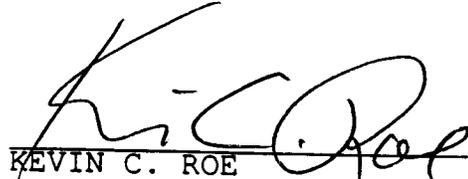
AGREED TO:

Date: 7/28, 1998



CARMEN P. TARANTINO, ESQ.  
Attorney for Respondent

Date: 8/4, 1998



KEVIN C. ROE  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: August 16, 1998



ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

EXHIBIT A

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

-----X  
IN THE MATTER : AMENDED  
OF : STATEMENT  
ANTHONY STEVEN PIGNATARO, M.D. : OF  
: CHARGES  
-----X

ANTHONY STEVEN PIGNATARO, M.D., the Respondent, was authorized to practice medicine in New York State on September 5, 1986 by the issuance of license number 167795 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A [patients are identified in the appendix] at his office, 531 Center Road, West Seneca, New York 14424 from on or about July 24, 1997, to August 25, 1997. On August 25, 1997, Patient A suffered cardiopulmonary arrest during an attempted trans-umbilical breast augmentation procedure. Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in that:

1. Respondent failed to perform an adequate physical examination.

ORDER

Upon the proposed agreement of ANTHONY STEVEN PIGNATARO, M.D., to surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

DATED: August 10, 1998

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

2. Respondent failed to perform an adequate pre-anesthesia evaluation.
3. Respondent attempted a trans-umbilical breast augmentation in his office without provisions for adequate anesthesia care.
4. Respondent failed to adequately monitor Patient A during anesthesia.
5. Respondent failed to provide IV fluids.
6. Respondent failed to provide supplemental oxygen.
7. Respondent failed to maintain an airway during anesthesia.
8. Respondent administered a second dose of Pentothal inappropriately.
9. Respondent administered inappropriate doses of IV Versed too rapidly.
10. Respondent administered inappropriate drugs, in excessive amounts and/or in inappropriate combinations, including, without limitation, 20 mg of oral Valium, 2 Tylenol with codeine #4, 6 mg Versed IV and/or 13 cc's of Pentothal in unknown concentration.
11. Respondent failed to record the timing and dosage of the drugs he administered and Patient A's vital signs and condition during anesthesia.
12. Respondent failed to administer flumazenil.
13. Respondent administered Narcan inappropriately.
14. Respondent failed to intubate Patient A in a timely manner.
15. Respondent failed to adequately oxygenate Patient A after learning that her respiratory status was compromised.
16. Respondent inappropriately delayed resuscitative and/or rescue efforts.
17. Respondent told the LPN present during surgery to provide false information to investigators regarding the use of an EKG and administration of IV fluids.
18. Respondent falsely informed OPMC investigators that an EKG monitor was used and IV fluids were administered during anesthesia.

B. Respondent treated Patient B from on or about June 14, 1994, to August 8, 1994, at Wyoming County Community Hospital and his office for complaints of recurrent sinusitis, performance of an endoscopic ethmoidectomy and treatment of complications. Respondent's care and treatment of Patient B failed to meet accepted standards of medical care in that:

1. Respondent performed surgery without adequate medical justification.
2. Respondent failed to obtain a frozen section in a timely manner.
3. Respondent failed to order a skull x-ray intraoperatively.
4. Respondent discharged Patient B on the day of surgery without adequate investigation and/or follow-up of the known or suspected entrance into the intracranial cavity.
5. Respondent failed to provide adequate post-operative follow-up.
6. Respondent failed to document the known or suspected surgical complication in the Hospital medical records.
7. Respondent failed to document the request for a frozen section in the operative report.

C. Respondent treated Patient C from on or about July 1, 1997, to on or about August 9, 1997, at his office. On August 5, 1997, Respondent subjected Patient C to liposuction assisted abdominoplasty at his office. On August 7, 1997, Patient C was admitted to Mercy Hospital of Buffalo through the Emergency Department with complaints of pain, fever, abdominal distention, nausea and emesis. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform an adequate physical examination.
2. Respondent failed to perform an adequate pre-anesthesia evaluation.
3. Respondent subjected Patient C to liposuction assisted abdominoplasty in his office without provisions for adequate anesthesia care.
4. Respondent failed to provide supplemental oxygen.
5. Respondent failed to adequately monitor Patient C during anesthesia.
6. Respondent failed to record the timing and dosage of the drugs he administered and Patient C's vital signs and condition during surgery.
7. Respondent failed to adequately and/or appropriately approximate the wound edges.
8. Respondent removed excessive tissue during surgery.
9. Respondent failed to give Patient C adequate post-operative instructions.
10. Respondent discharged Patient C from his office in an inappropriate condition.
11. On August 7, 1997, during a post-operative visit to his office, Respondent failed to perform an adequate physical examination and evaluation.
12. Respondent failed to be available to treat Patient C post-operatively.
13. On August 8, 1997, Respondent advised Patient C that she did not need to be in the hospital and would be better off at home.
14. On August 8, 1997, Respondent made entries into the Mercy Hospital of Buffalo medical record for Patient C despite his lack of privileges at that facility.
15. On August 9, 1997, Respondent encouraged Patient C to leave the hospital.

D. Respondent treated Patient D from on or about June 27, 1997 to on or about August 19, 1997, at his office. On July 9, 1997, Respondent subjected Patient D to liposuction

assisted abdominoplasty at his office. On July 9, 1997, Patient D was admitted to the Mercy Hospital of Buffalo with abdominal bleeding. Respondent's care and treatment of Patient D failed to meet acceptable of medical care, in that:

1. Respondent failed to perform an adequate physical examination.
2. Respondent failed to perform an adequate pre-anesthesia evaluation.
3. Respondent subjected Patient D to liposuction assisted abdominoplasty in his office without provisions for adequate anesthesia care.
4. Respondent failed to provide supplemental oxygen.
5. Respondent failed to adequately monitor Patient D during anesthesia.
6. Respondent failed to record the timing and dosage of the drugs he administered and Patient D's vital signs and condition during anesthesia.
7. Respondent removed excessive tissue during surgery.
8. Respondent failed to give Patient D adequate post-operative instructions.
9. Respondent discharged Patient D from his office in an inappropriate condition.

E. Respondent treated Patient E from on or about August 15, 1996, to on or about September 11, 1996, at his office. On September 10, 1996, Respondent subjected Patient E to liposuction assisted abdominoplasty. On September 11, 1996 Patient E was admitted to Our Lady of Victory Hospital, Lackawanna, New York, with diagnosis of hypotension and respiratory insufficiency. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical

care, in that:

1. Respondent failed to perform an adequate physical examination.
2. Respondent failed to perform an adequate pre-anesthesia evaluation.
3. Respondent subjected Patient E to liposuction assisted abdominoplasty in his office without provisions for adequate anesthesia care.
4. Respondent subjected Patient E to liposuction assisted abdominoplasty in his office without adequate medical justification.
5. Respondent failed to record the timing and dosage of the drugs he administered and Patient E's vital signs and condition during a anesthesia.
6. Respondent failed to provide adequate IV fluids.
7. Respondent failed to use appropriate measures to prevent thrombotic complications.
8. Respondent discharged Patient E from his office in an inappropriate condition.
9. On or about September 11, 1996, Respondent removed staples from Patient E's abdomen at Our Lady of Victory Hospital, a facility at which he did not have privileges, and without informing Patient E or her family that he did not have hospital privileges.

F. Respondent treated Patient F from on or about May 17, 1994, to on or about August 10, 1995, at his office. Respondent subjected Patient F to liposuction assisted abdominoplasty on August 25, 1994. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent subjected Patient F to surgery in his office without adequate anesthesia support.
2. Respondent failed to perform an adequate physical

examination and/or evaluation post-operatively.

3. Respondent failed to remove drainage tube(s) that he placed during surgery.

### SPECIFICATIONS

#### FIRST THROUGH SIXTH SPECIFICATIONS

##### GROSS NEGLIGENCE

Respondent is charged with gross negligence on a particular occasion in violation of New York Education Law §6530(4) (McKinney Supp. 1997) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15, A and A.16, A and A.17, and/or A and A.18.
2. The facts in Paragraphs B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, and/or B and B.7
3. The facts in Paragraphs C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, C and C.14, and/or C and C.15.

4. The facts in Paragraphs D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, and/or D and D.9.
5. The facts in Paragraphs E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, and/or E and E.6.
6. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

**SEVENTH THROUGH TWELFTH SPECIFICATIONS**

**GROSS INCOMPETENCE**

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) (McKinney Supp. 1997) in that, Petitioner charges:

7. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15, A and A.16, A and A.17, and/or A and A.18.
8. The facts in Paragraphs B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, and/or B and B.7.

9. The facts in Paragraphs C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, C and C.14, and/or C and C.15.
10. The facts in Paragraphs D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, and/or D and D.9.
11. The facts in Paragraphs E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, and/or E and E.6.
12. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

**THIRTEENTH SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with negligence on more than one occasion in violation of New York Education Law §6530(3) (McKinney Supp. 1997) in that, Petitioner charges two or more of the following:

13. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15, A and A.16, A and

A.17, A and A.18; B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7; C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, C and C.14, C and C.15; D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, D and D.9; E and E.1, E and E.2, E and E.3, E and E.4, E and E.5 E and E.6; F and F.1, F and F.2, and/or F and F.3.

**FOURTEENTH SPECIFICATION**

**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) (McKinne Supp. 1997) in that, Petitioner charges two or more of the following:

14. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15, A and A.16, A and A.17, A and A.18; B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7; C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, C and C.14, C and C.15; D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and

D.6, D and D.7, D and D.8, D and D.9; E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, E and E.6; F and F.1, F and F.2, and/or F and F.3.

**FIFTEENTH THROUGH TWENTY-SECOND SPECIFICATIONS**

**FRAUD**

Respondent is charged with practicing the profession fraudulently in violation of New York Education Law §6530(2) (McKinney Supp. 1997) in that, Petitioner charges:

15. The facts in Paragraphs A and A.17.
16. The facts in Paragraphs A and A.18.
17. The facts in Paragraphs B and B.6.
18. The facts in Paragraphs B and B.7.
19. The facts in Paragraphs C and C.13.
20. The facts in Paragraphs C and C.14.
21. The facts in Paragraphs C and C.15.
22. The facts in Paragraphs E and E.6.

**TWENTY-THIRD THROUGH THIRTIETH SPECIFICATIONS**

**MORAL UNFITNESS**

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20) (McKinney Supp. 1997) in that, Petitioner charges:

23. The facts in Paragraphs A and A.17.
24. The facts in Paragraphs A and A.18.
25. The facts in Paragraphs B and B.6.
26. The facts in Paragraphs B and B.7.
27. The facts in Paragraphs C and C.13.
28. The facts in Paragraphs C and C.14.
29. The facts in Paragraphs C and C.15.
30. The facts in Paragraphs E and E.6.

DATED: October 17, 1997  
Albany, New York

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