



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

June 13, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph Terrasi, M.D.
28 Fieldstone Drive, Apt. 9B
Hartsdale, NY 10530

RE: License No. 143152

Dear Dr. Terrasi:

Enclosed please find Order #BPMC 01-144 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 13, 2001.

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: Amy T. Kulb, Esq.
Jacobson and Goldberg
585 Stewart Avenue
Garden City, NY 11530

Timothy Mahar, Esq.

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

IN THE MATTER

OF

JOSEPH TERRASI, M.D.

CONSENT

ORDER

BPMC No. 01-144

Upon the proposed agreement of JOSEPH TERRASI, 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: 6/12/01



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

IN THE MATTER
OF
JOSEPH TERRASI, M.D.

CONSENT
AGREEMENT
AND
ORDER

JOSEPH TERRASI, M.D., (Respondent) says:

That on or about August 8, 1980, I was licensed to practice as a physician in the State of New York, having been issued License No. 143152 by the New York State Education Department.

My current address is 28 Fieldstone Drive, Apartment 9B, Hartsdale, New York 10530, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with ten specifications of professional misconduct.

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

I admit guilt to Specification Nine, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Two years suspension of my medical license, stayed; three years probation in accordance with the terms set forth in Exhibit B, hereto; and a permanent limitation on my medical license prohibiting me from supervising medical residents.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent

shall maintain active registration of Respondent's 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

That 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 hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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 a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 5/26/01


JOSEPH TERRASI, 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: 5/26/01


AMY T. KULB, ESQ.
Attorney for Respondent

DATE: 5/31/01


TIMOTHY C. MAHAR, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 6/08/01

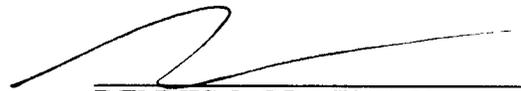

DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

EXHIBIT A

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

**IN THE MATTER
OF
JOSEPH TERRASI, M.D.**

**STATEMENT
OF
CHARGES**

JOSEPH TERRASI, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 8, 1980, by the issuance of license number 143162 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, an anesthesiologist, provided anesthesia to Patient A (patients are identified by name in Appendix A hereto) during a left total hip replacement surgery at the Montefiore Medical Center, Bronx, New York on July 27, 1999, and medical care to Patient A thereafter. Respondent's care of Patient A deviated from accepted standards of care in the following respects:
1. Respondent failed to adequately supervise the anesthesia resident during Patient A's surgery.
 2. Respondent failed to adequately monitor Patient A, in that Respondent left Patient A under the care of an anesthesia resident of very minimal experience for an extended period of time.
 3. Respondent failed to obtain the services of a relief anesthesiologist prior to leaving the operating room during Patient A's surgery for an extended period of time.
- B. Respondent provided anesthesia to Patient B during a total abdominal hysterectomy, bilateral salpingo-oophorectomy performed at the Montefiore Medical Center on January 27, 2000. Respondent's care of Patient B deviated

from accepted standards of care in the following aspects.

1. Respondent failed to maintain an accurate and/or complete medical record concerning Patient B, in the following respects, among others:
 - a. Respondent failed to make either a contemporaneous or subsequent record which completely and/or adequately documented the condition of Patient B during an approximately 30 minute period which immediately preceded Patient B's cardiac arrest or during which Patient B suffered cardiac arrest; and/or
 - b. Respondent failed to adequately record abnormal and/or significant signs and/or symptoms during Patient B's surgery which Respondent, following the surgery, stated had in fact been observed.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATION

Gross Negligence

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion in that Petitioner charges the following:

1. The facts set forth in paragraphs A and A.1.
2. The facts set forth in paragraphs A and A.2.
3. The facts set forth in paragraphs A and A.3.

FOURTH THROUGH SIXTH SPECIFICATIONS

Gross Incompetence

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6) by practicing the profession of medicine with gross incompetence in that Petitioner charges the following:

4. The facts set forth in paragraphs A and A.1.
5. The facts set forth in paragraphs A and A.2.
6. The facts set forth in paragraphs A and A.3.

SEVENTH SPECIFICATION

Inappropriate Delegation of Professional Responsibilities

Respondent is charged with professional misconduct as defined in N.Y. Educ. Law §6530(25) by reason of his having delegated professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, by experience or by licensure to perform them, in that Petitioner charges the following:

7. The facts set forth in paragraphs A and A.1, and/or A and A.2.

EIGHTH SPECIFICATION

Neglecting a Patient In Need of Immediate Professional Care

Respondent is charged with professional misconduct as defined in N.Y. Educ. Law §6530(30) by reason of Respondent having neglected a patient in need of professional care, without making reasonable arrangements for the continuation of such care, in that Petitioner charges the following:

8. The facts set forth in paragraphs A and A.2 and/or A and A.3.

NINTH SPECIFICATION

Failing to Exercise Appropriate Supervision

Respondent is charged with professional misconduct as defined in N.Y. Educ. Law §6530(33) by reason of Respondent having failed to exercise appropriate supervision over a person who is authorized to practice only under the supervision of the licensee, in that Petitioner charges the following:

9. The facts set forth in paragraphs A and A.1.

TENTH SPECIFICATION

Record Keeping

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, in that Petitioner charges the following:

10. The facts set forth in paragraphs B and B.1.

DATED: ^{June}~~April~~ 1, 2001
Albany, New York


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

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself 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/her profession. Respondent acknowledges that if s/he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 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. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law Section 32].
5. The period of probation 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 period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. 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.
7. 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 controlled substances.
8. Within thirty days of the effective date of the order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the

Director of OPMC.

- a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 15) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
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 terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.