

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

March 13, 1991

Nhi Thi Nguyen, Physician
610 South Carlyn Springs Road
Arlington, Virginia 22204

Re: License No. 151474

Dear Dr. Nguyen:

Enclosed please find Commissioner's Order No. 11498. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er
Enclosures

CERTIFIED MAIL- RRR

cc: Andrew S. Kaufman, Esq.
Wilson, Elser, Moskowitz,
Edelman & Dicker
150 E. 42nd Street
New York, N.Y. 10017-5612

RECEIVED

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**Office of Professional
Medical Conduct**

CALENDAR NO. 11450



The University of the State of New York

IN THE MATTER

of

NHI THI NGUYEN, M.D.

**APPLICATION FOR
RECONSIDERATION
AND SURRENDER
OF LICENSE
NO. 11498**

REPORT OF THE REGENTS REVIEW COMMITTEE

On December 16, 1988 the Board of Regents voted that respondent's application for a consent order be granted; and on December 22, 1988, it was so ordered by the Commissioner of Education. The agreed penalty under the consent order was that respondent's license to practice as a physician in the State of New York be suspended for two years; that execution of the second year of said suspension be stayed; and that respondent be placed on probation for the second year of said suspension under various terms, including the appointment of another physician to monitor respondent's practice and a requirement that respondent, prior to the completion of probation, obtain additional training in the area of anesthetic complications.

NHI THI NGUYEN (11498)

Pursuant to 8 N.Y.C.R.R. 3.3(f), petitioner and respondent jointly filed an application for reconsideration. It states that respondent, 67 years of age, has not practiced medicine since October 25, 1986; that the first year of actual suspension of her license concluded on December 27, 1989; that since that time, due to her age and time out of practice, respondent has decided to retire and not practice medicine any longer; that she has relocated to the State of Virginia; and that these circumstances, occurring subsequent to the original consent order, make it pointless for respondent to fulfill the above-mentioned terms of her probation, but that her failure to do so by December 27, 1990 would constitute a violation of probation, requiring appropriate action. Therefore, respondent and petitioner jointly ask that the penalty imposed be changed to surrender of respondent's license to practice medicine in the State of New York as set forth in the application to surrender license annexed hereto, made part hereof, and marked as Exhibit "A".

We unanimously recommend the following to the Board of Regents:

1. That respondent's application for reconsideration be granted and respondent's application to surrender her

NHI THI NGUYEN (11498)

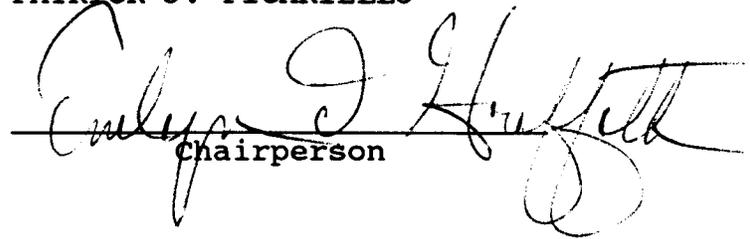
license to practice as a physician in the State of New
York also be granted.

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated:

2/2/91

NHI THI NGUYEN, M.D.

the grounds that I admit guilt to the First Specification and all of the facts alleged therein.

I hereby make this application to the Board of Regents and request that it be granted.

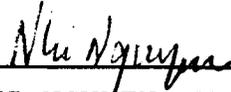
I understand that, in the event that the application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

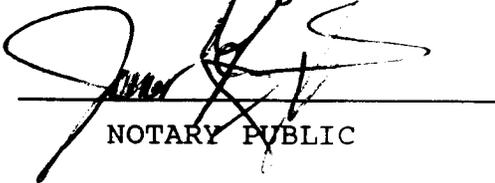
NHI THI NGUYEN, M.D.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



NHI THI NGUYEN, M.D.
Respondent

Sworn to before me this
20 day of August, 1990.



NOTARY PUBLIC

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
NHI THI NGUYEN, M.D. : LICENSE

The undersigned agree to the application in this matter.

Date: 8-20-90

Nhi Nguyen
NHI THI NGUYEN, M.D.
Respondent
Notary
EXP. 6-30-91

Date: *8/20/90*

Andrew Kaufman
ANDREW KAUFMAN, ESQ.
Attorney for Respondent

Date: 10/2/90

James J. ...
MEMBER, State Board for
Professional Medical Conduct

Date: 10/1/90

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

NHI THI NGUYEN, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

Date: October 1, 1990 David Axelrod
DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional ~~Discipline~~ ^{Practice} to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: 2/2/91 George J. Lenth
MEMBER OF THE BOARD OF REGENTS

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

-----X
IN THE MATTER : STATEMENT
OF : OF
NHI THI NGUYEN, M.D. : CHARGES
-----X

Nhi Thi Nguyen, M.D., the Respondent, was authorized to practice medicine in New York State on September 3, 1982 by the issuance of license number 151474 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, 1986 through December 31, 1988 at 55 Robin Road, Poughkeepsie, New York.

FACTUAL ALLEGATIONS

A. On or about October 24, 1986, Patient A (the identity of Patient A is listed in Appendix A) was admitted to Victory Memorial Hospital, Staten Island, New York and was delivered on that day of a still born fetus and placenta.

B. On the following day, at or about 7:00 p.m., the patient was brought to the Operating Room where a Dilatation and Curretage was to be performed by her treating obstetrician. The Respondent was the anesthesiologist for the procedure.

EXHIBIT "A"

C. The anesthetic was induced by Respondent at approximately 7:05 p.m. An endotracheal tube was not used. The operative procedure began at about 7:15 p.m. and ended about 5 minutes later. At or about the point when the procedure ended, the patient developed a laryngospasm.

D. The Respondent's first response to the laryngospasm was to attempt, unsuccessfully, to ventilate the patient with the anesthesia breathing bag. The patient appeared dusky and the Respondent then attempted to insert an endotracheal tube, again without success. The Respondent again attempted intubation, this time with success, however, the patient developed bradycardia. Respondent administered two doses of atropine 0.4 mg. and a dose of ephedrine 10 mg. and the cardiac arrest team was summoned and responded. The patient was stabilized, however, never regained consciousness and remains in a vegetative state.

E. Respondent failed to administer the drug succinyl choline in treating the laryngospasm.

SPECIFICATION OF CHARGES

PRACTICING THE PROFESSION WITH
GROSS NEGLIGENCE AND/OR INCOMPETENCE

The Respondent is charged with practicing the profession with gross negligence and/or incompetence under N.Y. Educ. Law §6509(2) (McKinney Supp. 1985), in that Petitioner alleges:

1. The facts in paragraphs B, C, D and E above.

DATED: New York, New York
March 10, 1988


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

NHI THI NGUYEN

CALENDAR NO. 11498



The University of the State of New York

IN THE MATTER

OF

NHI THI NGUYEN
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11498

Upon the application of NHI THI NGUYEN, for reconsideration of the determination of the Board of Regents pursuant to the Rules of the Board of Regents, as well as the application of NHI THI NGUYEN for the surrender of her license to practice as a physician in the State of New York, under Calendar No. 11498, the report of the Regents Review Committee, a copy of which is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 21, 1991): That the recommendation of the Regents Review Committee be accepted; that the application of NHI THI NGUYEN, for reconsideration and surrender of license be granted as set forth in the Regents Review Committee report and the application to surrender license; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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

NHI THI NGUYEN (11498)

the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this *4th* day of *March* 1991.

Thomas Sobol
Commissioner of Education