



Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

July 9, 1992

PERSONAL AND CONFIDENTIAL

Carmelo Russo, M.D.
Greene County Memorial Hospital
159 Jefferson Heights
Catskill, New York 12414

RE: License No. 125600
Effective Date 07/13/92

Dear Dr. Russo:

Enclosed please find Order #BPMC 92-56 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

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

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IN THE MATTER :
OF : ORDER
CARMELO G. RUSSO, M.D. : BPMC # 92-56

-----X

Upon the Application of Carmelo G. Russo, M.D., which application is made a part hereof, it is

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

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 6 July 1992



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
CARMELO G. RUSSO, M.D. : CONSENT
: ORDER
-----X

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

CARMELO G. RUSSO, M.D., being duly sworn, deposes and says:

That on or about October 3, 1975, I was licensed to practice as a physician in the State of New York, having been issued License No. 125600 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.

I understand that the New York State Board of Professional Medical Conduct has charged me with four (4) 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 the Third and Fourth Specifications in full satisfaction of the charges against me.

I hereby agree to the penalty that my license to practice medicine in New York be suspended for a period of one (1) year, that the suspension be stayed, and that during the year of the term of the suspension, my practice be monitored by a physician licensed to practice medicine in the State of New York. The terms of the monitoring agreement are further set forth in Exhibit "C", attached hereto. Additionally, during the 1 year term the suspension is in effect, I shall be subject to terms of probation, as outlined in Exhibit "B", attached hereto.

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.

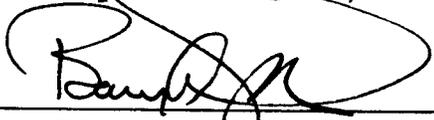
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Carmelo G. Russo M.D.

CARMELO G. RUSSO, M.D.
RESPONDENT

Sworn to before me this
30 day of June, 1992.



NOTARY PUBLIC

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
CARMELO G. RUSSO, M.D. :
: 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: June 30, 1992

Carmelo G. Russo M.D.
CARMELO G. RUSSO, M.D.
RESPONDENT

Date: June 30, 1992

Barry A. Gold
BARRY A. GOLD, ESQ.
ATTORNEY FOR RESPONDENT

Date: July 1, 1992

Michael A. Hiser
MICHAEL A. HISER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Office of Professional Medical Conduct, New York State
Department of Health, Corning Tower Building, 4th Floor,
Empire State Plaza, Albany, New York 12237.

Carmelo G. Russo

Carmelo G. Russo, M.D.

Sworn to before me this
30th day of June, 1992.

[Signature]
NOTARY PUBLIC

Dated: June 30, 1992

[Signature]

Barry A. Gold, Esq.
Thuillez, Ford, Gold & Conolly
Attorney for Carmelo G.
Russo, M.D.

Dated: 7/1/92

[Signature]

Kathleen M. Tanner
Director
Office of Professional
Medical Conduct

Date:

July 8 1992

Laura Leeds for K.H.T.

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

6 July 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 : STATEMENT
OF : OF
CARMELO RUSSO, M.D. : CHARGES

-----X

CARMELO RUSSO, M.D., the Respondent, was authorized to practice medicine in New York State on October 3, 1975, by the issuance of license number 125600 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 Columbia-Greene Medical Center, 159 Jefferson Heights, Catskill, New York 12414.

FACTUAL ALLEGATIONS

A. Patient A (patients are identified in Appendix A), a 43 year old male, was treated at the emergency room of Columbia-Greene Medical Center, Catskill, New York (hereinafter, the "Hospital") on or about January 26, 1989, due to injuries sustained in a motor vehicle accident. Patient A complained of face and chest discomfort. Respondent provided services as the radiologist.

EXHIBIT A

1. Respondent, after viewing the x-rays of Patient A's sternum, failed to detect and/or describe a depression fracture of the mid portion of the sternum.

B. Patient B, a 30 year old male, was treated at the emergency room of the Hospital on or about January 26, 1989, due to injuries sustained in a motor vehicle accident. Patient B complained of chest soreness, and left knee and generalized soreness. Respondent provided services as the radiologist.

1. Respondent, after viewing the x-rays of Patient A's right wrist, failed to detect and/or describe a nondisplaced fracture of the ulnar styloid.
2. Respondent, after viewing the x-rays of Patient A's ribs, failed to detect and/or describe a nondisplaced fracture of the proximal aspect of the right first rib.

C. Patient C, a 66 year old male, was treated at the emergency room of the Hospital on or about March 29, 1990, for a laceration to his right index finger. Respondent provided services as the radiologist.

1. Respondent, after viewing x-rays of Patient C's right index finger, failed to detect and/or describe the presence of foreign material in the laceration.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence on a particular occasion under N.Y. Educ. Law §6530(4) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in Paragraphs A and A.1.

SECOND SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence under N.Y. Educ. Law §6530(6) (McKinney Supp. 1992), in that Petitioner charges:

2. The facts in Paragraphs A and A.1.

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

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

3. The facts in Paragraphs A and A.1, B and B.1, B and B.2, and/or C and C.1.

FOURTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

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

4. The facts in Paragraph A and A.1, B and B.1, B and B.2, and/or C and C.1.

DATED: Albany, New York

June 3, 1992

Peter D. Van Buren

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

EXHIBIT "B"

TERMS OF PROBATION

1. CARMELO G. RUSSO, 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. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

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.

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

-----X

IN THE MATTER : MONITORING
OF : AGREEMENT
CARMELO G. RUSSO, M.D. :

-----X

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

CARMELO G. RUSSO, M.D., being duly sworn, states:

1. I was licensed to practice medicine in New York State on or about October 3, 1975, by the issuance of license number 125600 by the New York State Education Department. I am currently registered with the New York State Education Department for the period of January 1, 1991 through December 31, 1992. My registration address is Columbia-Greene Medical Center, 159 Jefferson Heights, Catskill, New York 12414.
2. I am applying to the New York State Board for Professional Medical Conduct ("the Board") for a Consent Order in settlement of four (4) specifications of professional misconduct with which I have been charged.
3. As part of that Application, to which this Monitoring Agreement is Exhibit "C", I agree to have my practice of medicine monitored as provided in this Agreement and I agree to comply with the following terms:
 - a. I shall assure that my practice of medicine be monitored for one year by a physician, licensed to practice medicine in New York State and currently engaged in the practice of medicine, who shall be a Radiologist. I shall select such a physician no later than thirty days from the date this Agreement is signed by the Director of the Office of Professional Medical Conduct [hereafter "Director of OPMC"] and apprise the Director of OPMC of the physician selected. The physician shall not be a member of my family. I shall select a successor monitor(s) if that becomes necessary during the term of this Agreement.

- b. The monitor shall be subject to the approval of the Director of OPMC, shall be aware of and have a copy of this Agreement, shall submit to the Director of OPMC a curriculum vitae or brief written description of his or her medical education, experience and current practice, and shall submit a written acknowledgement to the Director of OPMC that he or she will serve as a monitor of my practice of medicine according to the terms of this Agreement. The continuation of the appointment of the initial monitor, as well as the appointment of any successor monitor, shall be subject to the approval of the Director of OPMC.
- c. I shall cooperate with the monitoring of my practice of medicine by the monitor approved by the Director of OPMC. The monitoring shall include, at a minimum, the review of twenty (20) of my interpretations and impressions of patients' x-rays, ultrasound, CT scans, and/or MRI studies (together referred to as "the studies") every three months, which records shall be randomly selected by the monitor and shall represent a cross section of my practice of medicine. The monitoring shall include, with respect to the studies reviewed, an assessment of the adequacy and/or appropriateness of my interpretations and impressions of patient studies, ordering of additional studies, and referral of patients to other physicians or health care professionals. The monitoring may include, at the discretion of the monitor, any other reasonable means of monitoring my practice of medicine, including without limitation, review of additional patient records concerning specific areas of my practice of medicine, and discussions with me of my treatment of patients and practice of medicine.
- d. I shall cause the monitor to submit to the Director of OPMC written quarterly reports regarding the monitoring of my practice of medicine. The written reports shall include a written assessment of the adequacy and/or appropriateness of my interpretations and impressions of patient studies, ordering of additional studies, and referral of patients. The quarterly report shall also include a description of any other means undertaken by the monitor to monitor my practice, the monitor's conclusion as to whether I am practicing medicine with reasonable skill and safety to my patients, and the basis for such conclusion.
- e. In the event the monitor concludes or has reason to believe that I am not practicing medicine with reasonable

skill and safety to my patients, the monitor shall immediately notify the Director of OPMC and shall include in the report submitted to the Director of OPMC, identification of the problems or causes for concern in my practice of medicine, identification of any patient cases involved, copies of the records of such patients, and my explanation, if any, of the problems or concerns.

- f. I shall cooperate with any Medical Coordinator designated by the Director of OPMC, who may two times during the term of this Agreement, review my practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator, interviews with me, random review of my patient studies or other reasonable means of reviewing my practice of medicine.
4. I shall notify the Director of OPMC immediately of any proposed change in my employment or practice of medicine, whether in a private or institutional setting.
5. I understand that payment for the services of persons or other matters referenced in this Agreement is my responsibility.
6. This Monitoring Agreement shall be afforded the same confidentiality provided to an order pursuant to Public Health Law §230(17)(c) and, therefore, shall be kept confidential and shall not be subject to discovery or subpoena, unless I refuse to comply with the terms of this Agreement.
7. This Monitoring Agreement shall be effective on the date the Director of OPMC approves the physician who shall monitor my practice of medicine and shall continue for one year thereafter.
8. I understand that this Agreement does not bar potential prosecution by the Office of Professional Medical Conduct for alleged professional misconduct as defined in New York Education Law §6530 and that the Director of OPMC and/or the Board for Professional Medical Conduct may institute such proceedings against me as are authorized by the New York Public Health Law, whether during the term of his Agreement or thereafter. I further understand that if I comply with the terms of this Agreement the Director of OPMC and/or the Board for Professional Medical Conduct will not institute such proceedings based solely on the patient cases contained in the Statement of Charges attached as Exhibit "A" to this Application for Consent Order.
9. All written notifications or submissions required by this Agreement shall be submitted and addressed to the Director,