

PUBLIC

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

IN THE MATTER

OF

**DWIGHT M. PAGANO, M.D.
CO-03-02-0627-A**

**COMMISSIONER'S
SUMMARY
ORDER**

TO: DWIGHT M. PAGANO, M.D.
306 Wyandote Avenue West
Big Stone Gap, VA 24219

DWIGHT M. PAGANO, M.D.
110 Bell Avenue
Apartment 3
Appalacia, VA 24216

DWIGHT M. PAGANO, M.D.
Red Roof Inn
310 Potomac Street
Williamsport, MD 21795

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Virginia, Department of Health Professions, Virginia Board of Medicine, (hereinafter "Virginia Board") has made a finding substantially equivalent to a finding that the practice of medicine by DWIGHT M. PAGANO, M.D., Respondent, licensed to practice medicine in New York state on January 25, 1980, by license number 141105, in that jurisdiction constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Virginia Board, attached hereto, as Appendix "A," and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, DWIGHT M. PAGANO, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine.

Any practice of medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the State of Virginia. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Summary Hearing, together with a Statement of Charges, to be provided to the Respondent after the final conclusion of the Virginia proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Virginia proceeding immediately upon such conclusion.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY FOR THIS MATTER.

DATE: Albany, New York

Feb. 20, 2003


ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P. H.
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.state.va.us/
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

February 7, 2003

Dwight M. Pagano, M.D.
306 Wyandote Avenue West
Big Stone Gap, VA 24219

CERTIFIED MAIL
7160 3901 9844 7520 6901

and

110 Bell Avenue, Apartment 3
Appalachia, VA 24216

CERTIFIED MAIL
7160 3901 9844 7520 6895

RE: License No.: 0101-050095

Dear Dr. Pagano:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered February 7, 2003, affecting your license to practice medicine in the Commonwealth of Virginia. Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine, or hold yourself out as a licensed physician in the Commonwealth of Virginia. Further, in accordance with Sections 54.1-105, 54.1-110, 54.1-2408.1, 54.1-2920, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400(11) and 2.2-4024F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on **March 21-22, 2003, at the office of the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.** You will subsequently receive notice of the exact time in later communication. A map is enclosed for your convenience. Please register with the receptionist on the 5th floor, who will direct you to the exact location of the hearing.

You have the following rights, among others: to appear in person or by legal counsel; to present factual data, argument or proof in connection with your proceeding; and to have notice of

any contrary fact basis or information in the possession of the Board. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas.

Please carefully read the following paragraphs, which contain date-sensitive and important information regarding this proceeding.

COMMONWEALTH'S EVIDENCE

You have the right to the information that will be used by the Board in reaching a decision regarding this matter; therefore, I enclose the Commonwealth's evidence. Please note that these documents are enclosed only with the original notice sent by certified mail. Further, if you are represented, it is your responsibility to provide the enclosed materials to your attorney. If you have any questions or objections regarding the content of this package, you must contact Assistant Attorney General Frank Pedrotty at (804) 786-7249. Should you wish to file any objections to the Commonwealth's evidence, you must file your objections in writing, addressed to me at the Board office, no later than **12 noon on February 26, 2003**. If you have not filed any objections by February 26, 2003, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **12 noon on March 4, 2003** to file a response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

RESPONDENT'S EVIDENCE

Further, should you wish for the Board to consider additional information relative to this proceeding, you must submit fifteen (15) copies of any such documents to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230, by **12 noon on March 4, 2003**. You may not submit your documents by facsimile. The Commonwealth must file any objections to your submissions in writing, addressed to me at the Board office, no later than **12 noon on March 10, 2003**. If no objections have been received by **March 10, 2003**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **12 noon on March 14, 2003** to file your response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or Assistant Attorney General Frank Pedrotty wish to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to me at the Board office by **12 noon on March 4, 2003**. Responses to motions filed must be submitted by **12 noon on March 7, 2003**. The chairperson of the proceeding will rule on the motion.

REQUEST FOR A CONTINUANCE

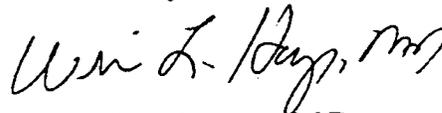
Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 26, 2003** will not be considered. If you obtain counsel, you should do so as soon as

possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by 12 noon on February 26, 2003.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found at <http://leg1.state.va.us>. To access this information, please click on *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

Please indicate, by letter to this office, your intention to be present.

Sincerely,



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

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WKL/PAGANO59SS.doc

Enclosures:

Order of Summary Suspension entered February 7, 2003
Statement of Particulars
Formal Hearing Package (Exhibits 1 & 2)
Instructions for Requesting Subpoenas+
Map

cc: Harry C. Beaver, M.D., President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Frank Pedrotty, Assistant Attorney General
Roscoe C. Roberts, Assistant Attorney General
Whitney Lou, Senior Adjudication Analyst
Jennifer E. Baker, Senior Investigator (88659)
Renee S. Dixon, Discipline Case Manager, Board of Medicine

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DWIGHT M. PAGANO, M.D.
License No.: 0101-050095

STATEMENT OF PARTICULARS

The Board alleges that::

1. Dr. Pagano may have violated Sections 54.1-2915.A(5) and (3), as further defined in Sections 54.1-2914.A(9) and (11) of the Code of Virginia (1950), as amended ("Code"), in that Dr. Pagano may be impaired to practice medicine with reasonable skill and safety due to illness.

Specifically:

a. In or about 1995, Dr. Pagano was hospitalized at Capistrano By the Sea and in or about 1998, Dr. Pagano was hospitalized at the Fianan Center, both times for acute bi-polar manic episodes.

b. From on or about October 3, 2002, to October 11, 2002, Dr. Pagano exhibited increasingly unstable and threatening behavior toward individuals. Dr. Pagano told a nurse that a co-worker had cast a spell on him and that he had been possessed by a demon for a few days and an exorcism had been performed. He added that said nurse was a "backstabber" and made threatening statements to her. Further, he told another nurse, after she had called administration to have Dr. Pagano removed from Buchanan General Hospital ("BGH"), that she would live to regret her decision.

c. On October 13, 2002, Dr. Pagano resigned from Buchanan General Hospital ("BGH") after being confronted about his behavior described in 1.b. above.

d. After Dr. Pagano resigned from BGH, he told another physician that he would regret how he had spoken to Dr. Pagano and that the physician had a homework assignment, which was to watch the movie *The Godfather, Part I*.

e. On or about October 17, 2002, the District Court of Washington County, Maryland, issued a Petition for Emergency Evaluation for Dr. Pagano due to his threatening behavior and poor judgment. In or about October 2002, Dr. Pagano was hospitalized for sixteen days at Washington County Hospital, Hagerstown, Maryland, for psychiatric treatment. The Petition further noted the discontinuation of his bi-polar medication, lithium.

f. On or about December 13, 2002, approximately one month after his contract was not renewed, the Norton Community Hospital ("NCH") obtained a temporary injunction against Dr. Pagano prohibiting him from threatening, harassing, intimidating or attempting to intimidate employees, agents or attorneys of the hospital, as well as going upon or about the premises of NCH. On or about December 19, 2002, NCH obtained a voluntary thirty-day extension of said temporary injunction.

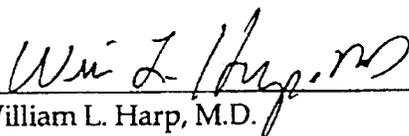
g. In or about December 2002, Dr. Pagano intimidated or harassed two University of Virginia ("UVA") medical students in Big Stone Gap, Virginia, by leaving an alarm clock outside their door and writing a note telling them that if there were any more "shenanigans," he would tell their Dean at UVA. The administrators at UVA were so concerned about the safety of the two students that the school recalled them to Charlottesville, Virginia, before their rotation ended.

h. On or about December 19, 2002, in Wise County, Virginia, Dr. Pagano appeared in court to respond to the temporary injunction that Norton Community Hospital obtained against him. He was carrying a canoe paddle, a small duffle bag and a small shopping bag. Dr. Pagano wore a cardboard nametag around his neck, which contained the word "LAW" and a picture of a badge beneath it.

i. On or about January 6, 2003, Dr. Pagano presented to his primary care physician for treatment of four broken ribs. Said physician stated that Dr. Pagano did not know how he broke his ribs. Further, the physician stated that Dr. Pagano is mentally unstable and delusional, and would be unable to exhibit good judgment if he were to resume practice at this time.

2. Dr. Pagano may have violated Sections 54.1-2915.A(5) and (3), as further defined in Sections 54.1-2914.A(3), (11), and (12), and Section 54.1-3303 of the Code, in that in or about November to December 2002, Dr. Pagano self-prescribed various Schedule VI controlled substances for his personal and unauthorized use, to include Catapres (oral and patch), Toprol XL, Fluocinonide cream, Prednisone and Prevacid.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

DATE: 2/7/03

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DWIGHT M. PAGANO, M.D.
License No.: 0101-050095

ORDER OF SUMMARY SUSPENSION

In accordance with Section 54.1-2408.1 of the Code of Virginia (1950), as amended ("Code"), the Virginia Board of Medicine ("Board") met on February 7, 2003, to receive and act upon investigative information indicating that Dwight M. Pagano, M.D., may have violated certain laws relating to the practice of medicine in the Commonwealth of Virginia. The meeting was convened with thirteen (13) members of the Board participating. Frank Pedrotty, Senior Assistant Attorney General, presented the matter. Also participating in the meeting were William L. Harp, M.D., Executive Director for the Board, Karen W. Perrine, Deputy Executive Director of Discipline for the Board, and Assistant Attorney General Roscoe Roberts, counsel for the Board. Upon hearing the evidence presented, the Board unanimously determined that the continued practice of Dr. Pagano constitutes a substantial danger to the public health and safety, in that:

1. In or about 1995, Dr. Pagano was hospitalized at Capistrano By the Sea and in or about 1998, Dr. Pagano was hospitalized at the Fianan Center, both times for acute bi-polar manic episodes.
2. From on or about October 3, 2002, to October 11, 2002, Dr. Pagano exhibited increasingly unstable and threatening behavior toward individuals. Dr. Pagano told a nurse that a co-worker had cast a spell on him and that he had been possessed by a demon for a few days and an exorcism had been performed. He added that said nurse was a "backstabber" and made threatening statements to her. Further, he told another nurse, after she had called administration to have Dr.

Pagano removed from Buchanan General Hospital (“BGH”), that she would live to regret her decision.

3. On October 13, 2002, Dr. Pagano resigned from Buchanan General Hospital (“BGH”) after being confronted about his behavior described in 2. above.

4. After Dr. Pagano resigned from BGH, he told another physician that he would regret how he had spoken to Dr. Pagano and that the physician had a homework assignment, which was to watch the movie *The Godfather, Part I*.

5. On or about October 17, 2002, the District Court of Washington County, Maryland, issued a Petition for Emergency Evaluation for Dr. Pagano due to his threatening behavior and poor judgment. In or about October 2002, Dr. Pagano was hospitalized for sixteen days at Washington County Hospital, Hagerstown, Maryland, for psychiatric treatment. The Petition further noted the discontinuation of his bi-polar medication, lithium.

6. On or about December 13, 2002, approximately one month after his contract was not renewed, the Norton Community Hospital (“NCH”) obtained a temporary injunction against Dr. Pagano prohibiting him from threatening, harassing, intimidating or attempting to intimidate employees, agents or attorneys of the hospital, as well as going upon or about the premises of NCH. On or about December 19, 2002, NCH obtained a voluntary thirty-day extension of said temporary injunction.

7. In or about December 2002, Dr. Pagano intimidated or harassed two University of Virginia (“UVA”) medical students in Big Stone Gap, Virginia, by leaving an alarm clock outside their door and writing a note telling them that if there were any more “shenanigans,” he would tell

their Dean at UVA. The administrators at UVA were so concerned about the safety of the two students that the school recalled them to Charlottesville, Virginia, before their rotation ended.

8. On or about December 19, 2002, in Wise County, Virginia, Dr. Pagano appeared in court to respond to the temporary injunction that Norton Community Hospital obtained against him. He was carrying a canoe paddle, a small duffle bag and a small shopping bag. Dr. Pagano wore a cardboard nametag around his neck, which contained the word "LAW" and a picture of a badge beneath it.

9. On or about January 6, 2003, Dr. Pagano presented to his primary care physician for treatment of four broken ribs. Said physician stated that Dr. Pagano did not know how he broke his ribs. Further, the physician stated that Dr. Pagano is mentally unstable and delusional, and would be unable to exhibit good judgment if he were to resume practice at this time.

10. In or about November to December 2002, Dr. Pagano self-prescribed various Schedule VI controlled substances for his personal and unauthorized use, to include Catapres (oral and patch), Toprol XL, Fluocinonide cream, Prednisone and Prevacid.

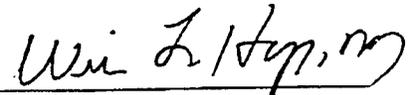
ORDER

WHEREFORE, it is hereby ORDERED that the license of Dwight M. Pagano, M.D., to practice medicine the Commonwealth of Virginia be, and hereby is, SUMMARILY SUSPENDED, simultaneously with the institution of proceedings for a formal administrative hearing in this matter. Said hearing shall be scheduled within a reasonable time from the date of this summary suspension.

The license of Dr. Pagano will be recorded as suspended as of February 7, 2003.

Pursuant to Section 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 2/7/03