



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

December 8, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Louis W. DeInnocentes, Jr., M.D.
3010 Edgewood
Scotsboro, Alabama 35768

RE: License No. 081427

Dear Dr. DeInnocentes:

Enclosed please find Order #BPMC 94-258 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 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Michael Shores, Esq.
2205 Morris Avenue
Birmingham, Alabama 35203

Frederick Zimmer, Esq.

bcc: Chris Hyman
Peter Van Buren
Kenneth Spooner
Surrender File
Newsletter File
Anne Bohenek



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Louis W. DeInnocentes, Jr., M.D.
3010 Edgewood
Scotsboro, Alabama 35768

RE: License No. 081427
Effective date:12/15/94

Dear Dr. DeInnocentes:

Enclosed please find Order #BPMC 94-258 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.

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Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
LOUIS W. DEINNOCENTES JR., M.D. : BPMC #94-258
Respondent :

-----X

Upon the Application of LOUIS W. DEINNOCENTES JR., M.D.
(Respondent) to Surrender his license as a physician in the State
of New York, which application is made a part hereof, it is

ORDERED, that the application 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.

SO ORDERED,

DATED: 5 December 1994

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 : APPLICATION TO
OF : SURRENDER
LOUIS W. DEINNOCENTES, Jr., M.D. : LICENSE
Respondent :

-----X

STATE OF NEW YORK)

ss.:

COUNTY OF JACKSON)

LOUIS W. DEINNOCENTES, Jr., M.D., being duly sworn, deposes and says:

On or about September 22, 1958, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 81427 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice medicine in the State of New York.

I understand that I have been charged with five Specifications of professional misconduct as set forth in the 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 permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specifications set forth in the attached Statement of Charges (Exhibit A).

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 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 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 grants my application, an 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 Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


LOUIS W. DEINNOCENTES, Jr., M.D.
Respondent

Sworn to before me this
28th day of *November*, 1994


NOTARY PUBLIC

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
LOUIS W. DEINNOCENTES, Jr., M.D.: LICENSE
Respondent

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 11-28, 1994



LOUIS W. DEINNOCENTES, Jr., M.D.
Respondent

Date: 11-28, 1994



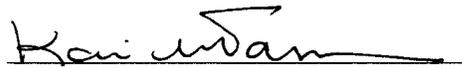
MICHAEL SHORES, ESQ.
Attorney for Respondent

Date: 11/29, 1994



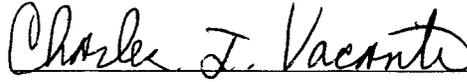
FREDERICK ZIMMER
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Dec. 1, 1994



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 5 December, 1994



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
LOUIS W. DeINNOCENTES, JR., M.D. : CHARGES
Respondent :
-----X

LOUIS W. DeINNOCENTES, JR., M.D., the Respondent, was authorized to practice medicine in New York State on September 22, 1958, by the issuance of license number 81427 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

A. The Arkansas State Medical Board (hereinafter "the Arkansas Board"), the duly authorized professional disciplinary agency of Arkansas by an Order of May 12, 1989, suspended, on an emergency basis, Respondent's temporary permit to practice medicine, pursuant to Ark. Code Ann. §25-15-211(c) [...If the agency finds that public health, safety or welfare imperatively requires emergency action....summary suspension of a license may be ordered...].

1. The Arkansas Board found that Respondent's treatment of patients A and B (all patients are identified in the attached Appendix) and other violations of the Arkansas Medical Practice Act admitted to by Respondent, showed a standard of medical

practice that was a danger to the health, safety and welfare of the public. The Arkansas Board also found that all physicians who testified concerning the medical care rendered to these patients stated that the treatment rendered to said patients was not adequate care under the circumstances.

2. The conduct which resulted in the Arkansas Board's suspension of Respondent's temporary permit to practice medicine, would if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) [practicing the profession with negligence on more than one occasion].

B. The Alabama State Board of Medical Examiners (hereinafter "the Alabama Board"), the duly authorized professional disciplinary agency of Alabama, by a Stipulation and Consent Order dated October 10, 1990, approved a Voluntary Restriction upon Respondent's Certificate of Qualification and license to practice medicine in Alabama. The Voluntary Restriction required, among other things, that Respondent perform no surgery for a period of two years and that his right to perform surgery only be restored upon a written petition to the Medical Licensure Commission of Alabama and after their satisfaction that he had complied with all requirements, terms and conditions of the Voluntary Restriction.

1. The conduct which resulted in the restriction of Respondent's Certificate of Qualification and license to practice medicine in the state of Alabama included Respondent's having had his temporary permit to practice medicine in Arkansas suspended on an emergency basis by the Arkansas Board (as described in

paragraphs 1, 1.A and 1.B above), in violation of Alabama Code §34-24-360(15) (1975) [suspension by another state of Respondent's license to practice medicine based upon acts by the licensee similar to acts prohibited in the State of Alabama].

2. The conduct which resulted in the Alabama Board's limitation of Respondent's Certificate of Qualification and license to practice medicine would, if committed in New York State constitute misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) [having disciplinary action taken against his license to practice medicine by the duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York, constitute professional misconduct under the laws of New York State]. The conduct ultimately underlying the Alabama disciplinary action in this instance, would constitute professional misconduct under the laws of New York State pursuant to N.Y. Educ. Law §6530(3) (McKinney's Supp. 1994) [practicing the profession with negligence on more than one occasion - see paragraphs A, A.1 and A.2 above detailing the Arkansas conduct which gave rise to the Arkansas and Alabama disciplinary actions].

C. The Alabama Board, by an Amended Order dated November 3, 1993, found that Respondent violated a restriction upon his Certificate of Qualification and license to practice medicine in that he violated the Consent Order of October 10, 1990 referred to in Paragraph "B" above. Under the terms of the Consent Order, Respondent voluntarily agreed to a restriction on his Certificate

of Qualification and license to practice medicine in Alabama in that, among other things, he agreed to perform no surgery during the period of the voluntary restriction.

1. The Alabama Board found that from June 1992 through January 1993 while the restriction was in effect, Respondent performed pregnancy termination procedures or abortions at the Birmingham Women's Health Clinic, Birmingham, Alabama, and that the performance of such procedures were surgery according to both commonly accepted usage and practice of the profession, and within the meaning of the restrictions contained in the Board's Consent Order of October 10, 1990, thereby violating the restriction [removal of a voluntary restriction on a Certificate of Qualification can be done only with the approval of the Alabama State Board of Medical Examiners, Alabama Code Annotated §34-24-361(g)].

2. The Alabama Board revoked Respondent's license to practice medicine for a period of ninety days, after which it stayed the revocation, subject to Respondent's compliance with certain terms and conditions. These terms and conditions included, among other things, Respondent's completion of at least 50 hours of continuing medical education credits related to the practice of emergency medicine, the limitation of his future practice to an emergency room in a licensed hospital or similar type of controlled practice setting and a requirement that Respondent perform no surgery. Respondent was fined in the amount of \$2,500.

3. The conduct upon which the Alabama Board found Respondent guilty of misconduct, would, if committed in New York

State, constitute professional misconduct under the following provisions of New York State Law;

a. N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession beyond its authorized scope]; and/or

b. N.Y. Educ. Law §6530(29) (McKinney Supp. 1994) [violation of any term of probation or condition or limitation imposed on the licensee pursuant to §230 of the Public Health Law].

FIRST THROUGH SECOND SPECIFICATIONS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994) by reason of his having been found guilty of improper professional practice or professional misconduct by the duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would if committed in New York State, constitute professional misconduct under the law of New York State, in that the Petitioner charges:

1. The facts in paragraphs A and A.1 and A.2.
2. The facts in paragraphs C and C.1, C.2 and C.3.

THIRD THROUGH FIFTH SPECIFICATIONS

Respondent is charged with professional misconduct under

N.Y. Educ. Law §6530(9)(d) by reason of his having had disciplinary action taken against him by the duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges:

3. The facts in paragraphs A and A.1 and A.2.
4. The facts in paragraphs B and B.1 and B.2
5. The facts in paragraphs C and C.1, C.2 and C.3.

DATED: *Oct 19*, 1994
Albany, New York


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