



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

February 29, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen X. Giunta, M.D.
6380 Lakeview Drive
Falls Church, Virginia 22041

Re: NY License No. 094444

Dear Dr. Giunta:

Effective Date: 03/07/96

Enclosed please find Order #BPMC 96-34 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,

Charles J. Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Bernard J. DiMuro, Esq.
DiMuro, Ginsberg & Lieberman, PC
908 King Street, Suite 200
Alexandria, Virginia 22314

Silvia Finkelstein, Esq.

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

**IN THE MATTER
OF
STEPHEN X. GIUNTA, M.D.**

**CONSENT
ORDER**

BPMC #96-34

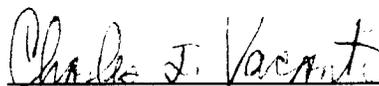
Upon the application of STEPHEN X. GIUNTA, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application 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 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 by certified mail, whichever is earliest.

SO ORDERED.

DATED: 26 February 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
STEPHEN X. GIUNTA, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF VIRGINIA)

ss.:

CITY OF ALEXANDRIA)

STEPHEN X. GIUNTA, M.D., being duly sworn, deposes and says:

That on or about September 20, 1965, I was licensed to practice as a physician in the State of New York, having been issued License No. 094444 by the New York State Education Department.

My current address is 6380 Lakeview Drive, Falls Church, Virginia 22041, 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 one specification of professional misconduct.

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

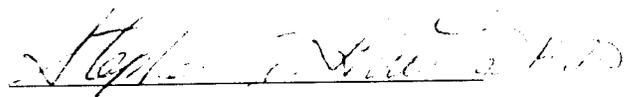
I admit guilt to the specification, in full satisfaction of the charges against me. I hereby agree to the penalty that I be subject to a censure and reprimand and that I be placed on probation pursuant to the terms set forth in Exhibit "B". In light of my successful completion of the period and terms of my Virginia probation (Exhibit "C") my New York State probation shall terminate thirty (30) days after the effective date of the Consent Order.

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. 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.



STEPHEN X. GIUNTA, M.D.
RESPONDENT

Sworn to before me this

5th day of Feb., 1996

Faith T. White
NOTARY PUBLIC

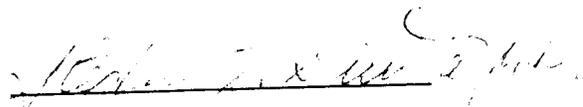
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
STEPHEN X. GIUNTA, M.D.

APPLICATION
FOR
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2/5/96


STEPHEN X. GIUNTA, M.D.
Respondent

DATE: 2/1/96


BERNARD J. DIMURO, ESQ.
Attorney for Respondent

DATE: 2/14/96


SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 2/20/96

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 26 February 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
STEPHEN X. GIUNTA, M.D.

STATEMENT
OF
CHARGES

STEPHEN X. GIUNTA, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 20, 1965, by the issuance of license number 094444 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 10, 1994, the Virginia Board of Medicine issued an Order, placing Respondent on indefinite probation, upon finding that Respondent violated §54.1-2915.A(4) and (3) of the Code of Virginia with respect to the care rendered to one patient postoperatively after a rhinoplasty and chin implant. If committed in New York, this conduct would constitute professional misconduct under N.Y. Educ. Law §§6530(4) (practicing the profession with gross negligence) (McKinney Supp. 1995).

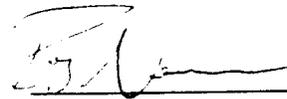
SPECIFICATION OF CHARGES

FIRST SPECIFICATION
HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1995) by having been found guilty of improper professional practice or professional misconduct by a 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 laws of New York state [namely N.Y. Educ. Law §6530(9)(b)] as alleged in the facts of the following:

1. Paragraph A

DATED: June 27, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. STEPHEN X. GIUNTA, 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. 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and 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, within 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 and shall assume and bear

all costs related to compliance with the Terms of Probation;

6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. - 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.
8. Respondent shall comply with all the terms and conditions pertaining to the probationary period imposed by the Board of Medicine of the State of Virginia as a condition precedent to satisfactory completion of the instant period of probation imposed by the NYSDOH.

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: STEPHEN X. GIUNTA, M.D.
License No.: 0101-036223

ORDER

In accordance with the provisions of Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Stephen X. Giunta, M.D., on September 27, 1995, in Falmouth, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Allen B. Horne, M.D., Chairman; Paul M. Spector, D.O.; and Thomas A. Wash, M.D. The Board was represented by Frank W. Pedrotty, Assistant Attorney General. Dr. Giunta appeared personally and was represented by legal counsel, John A. Heilig, Esquire. The purpose of the informal conference was to review Dr. Giunta's compliance with the terms and conditions of the Board's Order entered August 9, 1994, as set forth in a Notice of Informal Conference dated September 13, 1995.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Committee finds that Dr. Giunta is in general compliance with the Board's Order dated August 9, 1994.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Committee concludes that Dr. Giunta is properly before it and that the Committee is responsible for reviewing and approving all information relative to the terms of the aforementioned Order.

Dr. Giunta

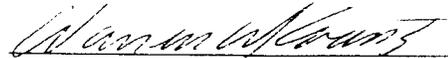
ORDER

WHEREFORE, it is hereby ORDERED that the PROBATIONARY TERMS imposed upon Dr. Giunta's license be TERMINATED, and that Dr. Giunta shall be granted a full, unrestricted license to practice medicine in the Commonwealth of Virginia.

Pursuant to Section 54.1-2919 of the Code of Virginia, 1950, as amended, any request for a hearing before the Board must be filed within 30 days upon receipt of this Order.

Pursuant to Section 9-6 14:14 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.

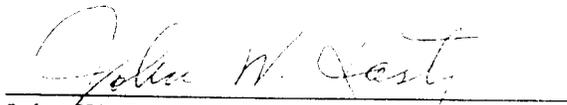
FOR THE BOARD



Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

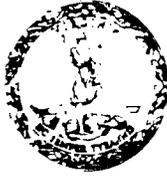
Entered: Oct 3 1995

RECEIVED: Oct 3 1995



John W. Hasty, Director
Department of Health Professions

LM/vh092901.ORDER



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Medicine

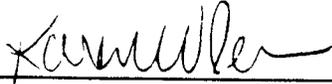
John Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9943

CERTIFICATION OF DUPLICATE OF OFFICIAL BOARD SECTION 54.1-112, CODE OF VIRGINIA, 1950, AS AMENDED

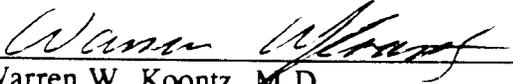
I, Karen W. Perrine, Deputy Executive Director, Discipline, Virginia Board of Medicine, hereby certify that I have custody of the file regarding **Stephen X. Giunta, M.D.** and that said file is an official record of the Virginia Board of Medicine. I also certify that the attached documents consisting of 14 pages is a true copy of this record.



Karen W. Perrine

Date 2-21-95

I, Warren W. Koontz, M.D., Executive Director, Virginia Board of Medicine, hereby certify that I am the supervisor of Karen W. Perrine and that the attached documents consisting of 14 pages is a true copy of the records of the Virginia Board of Medicine.



Warren W. Koontz, M.D.

Date 2/21/95

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: STEPHEN X. GIUNTA, M.D.
 License No.: 0101-036223**

ORDER

Pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Stephen X. Giunta, M.D. on Thursday, July 28, 1994 in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: Paul M. Spector, D.O., Chairman; Allen B. Horne, M.D.; and Thomas A. Wash, M.D. Dr. Giunta was present and represented by counsel, Bernard J. DiMuro, Esq., and John Heilig, Esq. The Board was represented by Frank W. Pedrotty, Assistant Attorney General. The purpose of the informal conference was to inquire into allegations that Dr. Giunta may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Board's notice of informal conference dated March 21, 1994 and amended notice of informal conference dated June 21, 1994.

FINDINGS OF FACT

The Committee finds that on November 29, 1989 Dr. Giunta improperly performed an outpatient surgical procedure, to wit: rhinoplasty and chin implant, on Patient B in his Alexandria, Virginia medical office. Specifically, Dr. Giunta failed to recognize the potential for respiratory depression and the need for careful monitoring of this patient, with a compromised nasal airway, to whom he administered various anesthetic and central nervous system depressant-type drugs. Further, Dr. Giunta failed to adequately evaluate and/or document Patient B's blood pressure, pulse and blood oxygen saturation during and after the procedure; failed to use a pulse oximeter during the procedure, failed to make resuscitative equipment and agents available to the patient in a timely manner; and failed to personally

monitor the patient postoperatively or make himself available to monitor the patient and left the patient in the care of an employee whom he failed to appropriately supervise, resulting in the unrecognized respiratory depression, cardiac arrest and death of Patient B.

CONCLUSIONS OF LAW

The Committee makes the following Conclusions of Law:

1. The foregoing Findings of Fact constitute violation of Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(9) and (10) of the Code.
2. The allegation set forth in the Board's June 21, 1994 amended notice of informal conference is not supported by the evidence before the Committee and, therefore, Dr. Giunta is exonerated on this charge.
3. There is insufficient evidence available before the Committee to determine whether Dr. Giunta provided Patient A, as referenced in allegation one of the Board's March 21, 1994 notice of informal conference, with adequate information regarding the complications associated with the use of free silicone and, therefore, this matter is dismissed.
4. Allegation three of the Board's March 21, 1994 notice of informal conference is not supported by the evidence before the Committee and, therefore, Dr. Giunta is exonerated on this charge.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Stephen X. Giunta, M.D. to practice medicine in the Commonwealth of Virginia be, and hereby is, placed on INDEFINITE PROBATION upon the following terms and conditions:

1. An audit of Dr. Giunta's medical practice shall be conducted by a three member committee comprised of medical practitioners selected by the Board. Said audit shall consist of a comprehensive review of Dr. Giunta's medical practice.

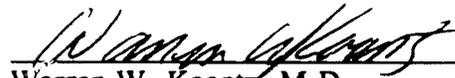
2. Upon receipt of the audit committee's report, Dr. Giunta will be noticed to reappear before an informal conference committee of the Board. Said informal conference committee shall provide ongoing monitoring of Dr. Giunta's indefinite probation, determine the frequency of further appearances by Dr. Giunta before it, and shall serve as the instrument of the Board responsible for approving and reviewing all information relative to the terms and conditions of this Order.

3. In the interim, Dr. Giunta shall maintain a course of conduct in his practice of medicine commensurate with Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Section 54.1-2919 of the Code, any request for a hearing before the Board must be filed within 30 days upon receipt of this Order.

Pursuant to Section 9-6.14:14 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.

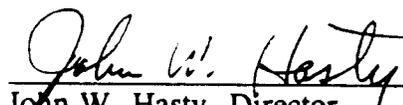
FOR THE BOARD



Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: Aug 9, 1994

RECEIVED: Aug 10, 1994



John W. Hasty, Director
Department of Health Professions

A TRUE COPY TESTE:

BH:KM072901

KAREN W. PERRILLI, OFFICE ASSISTANT TO THE DIRECTOR,
VIRGINIA BOARD OF MEDICINE