

July 13, 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John M. Roehmholdt, M.D.

REDACTED

Re: License No. 167540

Dear Dr. Roehmholdt:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 12-139. This order and any penalty provided therein goes into effect July 20, 2012.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Mark R. Uba, Esq.
550 Main Street, Suite 204
Williamsville, NY 14221

IN THE MATTER
OF
JOHN ROEHMHOLDT, M.D.

CONSENT
ORDER

Upon the application of JOHN ROEHMHOLDT, M.D., (Respondent), in the attached Consent Agreement, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 7/12/2012

REDACTED

Arthur S. Hengerer, M.D.
Chair
State Board for Professional
Medical Conduct

IN THE MATTER
OF
JOHN ROEHMHOLDT, M.D.

CONSENT
AGREEMENT
AND
ORDER

JOHN ROEHMHOLDT, M.D., represents that all of the following statements are true:

That on or about August 20, 1986, I was licensed to practice as a physician in the State of New York, and issued License No. 167540 by the New York State Education Department.

My current address is REDACTED, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the third specification, in full satisfaction of the charges against me, and agree to the following penalty:

- A censure and reprimand of my medical license.
- I shall be supervised in the first ten laparoscopic surgeries performed by me after the effective date of this order pursuant to Public Health Law § 230-a(8). For purposes of this agreement the terms "laparoscopic surgery" shall include hand-assisted laparoscopic surgery, robotic prostatectomies, as well as all other laparoscopic surgeries. The supervising physician shall be board certified and credentialed in the laparoscopic surgery to be performed. The supervising surgeon shall be proposed by me and approved in writing by the Director of OPMC prior to surgery. The supervising physician shall not be a family member, a personal friend, nor be in a professional relationship with me which could pose a conflict with his or her supervisory responsibilities. I shall ensure that the supervising physician is familiar with the terms of this Order and shall be willing to report to OPMC. I shall provide the supervising physician with access to the medical records of the patients whose surgeries he or she is supervising both prior to and following surgery. I shall authorize the supervising physician to submit written reports to OPMC following each supervised surgery within 7 days of the patient's discharge from the hospital, or within 24 hours of any suspected deviation from the standards of medical care. The supervising physician's narrative reports shall address, but will not be limited to, the medical indications for surgery, the quality of my surgical skill and technique which the supervising physician shall directly observe

during surgery, and the post-operative care during the patient's hospital admission.

- I shall enroll in and successfully complete a continuing education program in the area of laparoscopic surgery pursuant to Public Health Law § 230-a(8). This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within 90 days of the effective date of this Order.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall

respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent

Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do

so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 6/29/2012

REDACTED

JOHN ROEHMHOLDT, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 6/29/2012

REDACTED

MARK R. UBA, ESQ.
Attorney for Respondent

DATE: 7/5/12

REDACTED

TIMOTHY J. MAHAR
Associate Counsel
Bureau of Professional Medical Conduct

DATE: July 10, 2012

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
JOHN ROEHMHOLDT, M.D.

EXHIBIT A
STATEMENT
OF
CHARGES

John Roehmholdt, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 20, 1986, by the issuance of license number 167540 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent performed what he described as a laparoscopic left adrenalectomy on Patient A at Kaleida Health, De Graff Memorial Hospital, on March 22, 2010. A post-operative CT exam of Patient A's abdomen showed the left adrenal gland to have remained in place following the surgery. Respondent had erroneously removed approximately 45 percent of Patient A's pancreas. Respondent's medical care of Patient A deviated from accepted standards of care as follows:
1. Respondent failed to adequately evaluate and/or assess the status of Patient A's left adrenal gland and/or left adrenal mass pre-operatively.
 2. Respondent failed to adequately identify Patient A's anatomy intra-operatively.
 3. If Respondent had difficulty identifying Patient A's anatomy during the laparoscopic procedure, Respondent failed to convert the surgery to an open surgical procedure.

4. Respondent failed to remove Patient A's left adrenal gland during surgery.
- B. Respondent performed a laparoscopic left adrenalectomy on Patient B at DeGraff Memorial Hospital on July 28, 2004. Respondent at that time did not have privileges at DeGraff Hospital to perform laparoscopic adenalectomy procedures. Respondent's medical care of Patient B deviated from accepted standards of care in the following respects:
1. Respondent performed the laparoscopic left adrenalectomy on Patient B on July 28, 2004 without adequate medical indications.
 2. Respondent performed a laparoscopic left adrenalectomy on Patient B when Respondent did not have hospital privileges to perform that procedure.
 3. Respondent failed to maintain an adequate medical record for Patient B.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

1. The facts as set forth in paragraphs A and A.2.
2. The facts as set forth in paragraphs A and A.4.
3. The facts as set forth in paragraphs B and B.2.

FOURTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

4. The facts as set forth in two or more of the following paragraphs: A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, and/or B and B.3.

FIFTH THROUGH SEVENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

5. The facts as set forth in paragraphs A and A.2.

6. The facts as set forth in paragraphs A and A.4.
7. The facts as set forth in paragraphs B and B.2.

EIGHTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of:

8. The facts as set forth in two or more of the following paragraphs: A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, and/or B and B.3.

NINTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

9. The facts as set forth in paragraphs B and B.3.

DATE: July 5, 2012
Albany, New York

REDACTED

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