



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 31, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Richard R. Asuncion, M.D.
18 Elkland Road
Melville, New York 11747

RECEIVED
Physician Monitoring

SEP 01 1998

Office of Professional
Medical Conduct

RE: License No. 102686

Dear Dr. Asuncion:

Enclosed please find Order #BPMC 98-195 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 31, 1998.**

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Denise Lepicier, Esq.

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

IN THE MATTER
OF
RICARDO R. ASUNCION, M.D.

CONSENT
AGREEMENT,
SURRENDER OF
ALL CLINICAL
PRIVILEGES AND
ORDER

BPMC #98-195

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

RICARDO R. ASUNCION, M.D., being duly sworn, deposes and says:

That on or about October 31, 1968, I was licensed to practice as a physician in the State of New York, having been issued License No. 102686 by the New York State Education Department.

My current address is 18 Elkland Road, Melville, New York 11747, 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 seven 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 second specification in the statement of charges, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in the state of New York shall be limited, pursuant to Section 230-a of the Public Health Law, to preclude any clinical practice of medicine. I shall not be permitted to diagnose, treat, operate, or prescribe with regard

to any patient;

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

DATED Aug 14, 1998



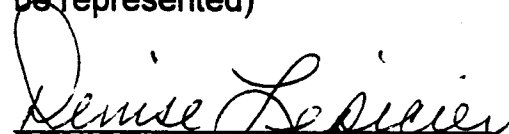
RICARDO R. ASUNCION, M.D.
RESPONDENT

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


DATE: _____

Attorney for Respondent (if any)
(Leave blank if Respondent chooses not to
be represented)

DATE: 8/17/98


DENISE LEPICIER
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 8/19/98



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

**IN THE MATTER
OF
RICARDO R. ASUNCION, M.D.**

**CONSENT
ORDER**


Upon the proposed agreement of RICARDO R. ASUNCION, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board,
which may be accomplished by mailing, by first class mail, a copy of the Consent
Order to Respondent at the address set forth in this agreement or to
Respondent's attorney by certified mail, or upon transmission via facsimile to
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8/23/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
RICARDO R. ASUNCION, M.D.

STATEMENT
OF
CHARGES

RICARDO R. ASUNCION, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 31, 1968, by the issuance of license number 102686 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 18, 1995, Respondent treated Patient A in the Emergency Room at Southside Hospital in Bay Shore, New York. (All patients are identified in the attached Appendix) Patient A gave a history of vomiting and epigastric pain for at least a week. Respondent ordered a complete blood count and chemistries. Patient A had an elevated white blood count, a hematocrit of 51.2%, a low potassium, a very low carbon dioxide level, an elevated glucose level, and a high anion gap. Respondent diagnosed gastroenteritis and gastrointestinal colic, prescribed Mylanta and Donnatal, and discharged the patient.

1. Respondent failed to diagnose and treat Patient A appropriately.
2. Respondent failed to take an adequate history.
3. Respondent failed to perform an adequate physical examination.
4. Respondent failed to record information in Patient A's medical record to accurately reflect his evaluation and treatment of Patient A.

B. On or about December 17, 1993, Respondent treated Patient B in the

Emergency Room at North Shore University Hospital at Glen Cove, in New York. Patient B gave a history of back pain for a few days and recent confusion subsequent to a motor vehicle accident. Blood work revealed an elevated BUN and white blood count. Urine testing was abnormal. Respondent diagnosed a urinary tract infection, prescribed Bactrim and Pyridium, and discharged Patient B.

1. Respondent failed to diagnose or treat Patient B appropriately.
2. Respondent failed to order appropriate tests.
3. Respondent failed to take an adequate history.
4. Respondent failed to perform an adequate physical examination.
5. Respondent failed to record information in Patient B's medical record to accurately reflect his evaluation and treatment of Patient B.

C. On or about May 21, 1995, Respondent treated Patient C in the Emergency Room at North Shore University Hospital at Glen Cove, in New York. Patient C had a laceration on his forehead approximately one inch long reportedly caused by a bite by another child. Respondent sutured the laceration and discharged Patient C.

1. Respondent failed to appropriately treat Patient C.
2. Respondent failed to take an adequate history.
3. Respondent failed to record information in Patient C's medical record to accurately reflect his evaluation and treatment of Patient C.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1998) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraphs A and A1 through A3.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1 through A3; B and B1 through B4; and C and C1 through C3.

THIRD SPECIFICATION
GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1998) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

3. Paragraphs A and A1 through A3.

FOURTH SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1998) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

4. Paragraphs A and A1 through A3; B and B1 through B4; and C and C1 through C3.


FIFTH THROUGH SEVENTH SPECIFICATIONS
FAILING TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, a

alleged in the facts of:

5. Paragraphs A and A4.
6. Paragraphs B and B5.
7. Paragraphs C and C3.

DATED: June 22, 1998
New York, New York.



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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 section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall comply with all terms, conditions, restrictions, limitations

and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.