



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

January 7, 1997

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

David W. Smith, Esq.  
Nys Department of Health  
5 Penn Plaza-Sixth Floor  
New York, New York 10001

Peter P. Pisanont, M.D.  
c/o Buddhist Temple & Meditation Center  
75 California Road  
Mt. Vernon, New York 10552

Mihaela Petrescu, Esq.  
146 Church Street  
White Plains, New York 10601

### **RE: In the Matter of Peter P. Pisanont, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 97-04) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

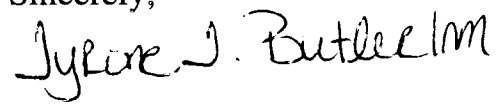
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's  
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler" followed by a large, stylized "IM" monogram.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

COPY

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

-----X  
IN THE MATTER : DETERMINATION  
: :  
OF : AND  
: :  
PETER P. PISNANONT, M.D. : ORDER  
-----X  
BPMC-97-04

A Notice of Hearing, dated September 24, 1996 and a Statement of Charges, dated September 25, 1996, were served upon the Respondent, Peter P. Pisnanont, M.D. **ANTHONY SANTIAGO** (Chair), **WALTER M. FARKAS, M.D.**, and **BENJAMIN WAINFELD, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by David W. Smith, Esq., Associate Counsel. The Respondent appeared by Westchester-Putnam Legal Services, Mihaela G. Petrescu, Esq., of Counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Date of Service of Notice of  
Hearing and Statement of Charges: October 1, 1996

Answer to Statement of Charges: None  
Pre-Hearing Conference: None  
Dates of Hearings: November 15, 1996  
Received Petitioner's Proposed Findings of Fact, Conclusions of Law and Recommendation: Not Applicable  
Received Respondent's Proposed Findings of Fact, Conclusions of Law and Recommendation: Not Applicable  
Witnesses for Department of Health: Zev Labins, M.D.  
Witnesses for Respondent: David J. Weiser, M.D.  
Peter P. Pisnanont, M.D.  
Siraporn Bharksuwan-Chimapan  
Deliberations Held: November 15, 1996

**STATEMENT OF CASE**

The Petitioner has charged the Respondent, Peter P. Pisnanont, M.D. with two specifications of professional misconduct. Respondent is charged with having a psychiatric condition which impairs his ability to practice medicine. He is also charged with failing to comply with a condition imposed pursuant to Public Health Law §230.

A copy of the Notice of Hearing and Statement of Charges is attached to this Determination and Order in Appendix I.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Peter P. Pisnanont, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State by the issuance of license number 115032 by the New York State Education Department. (Pet. Ex. #2).

2. On June 1, 1993, the State Board for Professional Medical Conduct (hereinafter the "Board"), following a hearing, found Respondent guilty of fraud in the forging of signatures in connection with a job application and Respondent's own health. The Board suspended the Respondent's medical license for one year, stayed the suspension and ordered Respondent to remain actively involved with the Committee on Physician Health (hereinafter "CPH") of the Medical Society of the State of New York until such time as CPH determined that it was no longer necessary. (Pet. Ex. #3).

3. Respondent became an active CPH participant on February 19, 1993. Respondent was initially evaluated by Dr.

Thomas J. Markoski, who recommended urine monitoring and a psychiatric evaluation to address Respondent's delusions and feelings of being persecuted. (Pet. Ex. #4).

4. Respondent's delusions center around his belief that he is the victim of a conspiracy against him, begun in 1968 by a "disgruntled but powerful colleague" who caused Respondent to fail the internal medicine boards twenty years in a row. (Pet. Ex. #4).

5. Respondent underwent psychiatric evaluation on February 3, 1993 and March 25, 1993 with Daniel W. Schwartz, M.D., the director of forensic psychiatry at Kings County Hospital Center. Dr. Schwartz noted that Respondent's diagnosis was most likely a delusional disorder, persecutory type. He recommended that Respondent enter psychotherapy and that if medication was indicated, Respondent should also be referred for conjoint treatment with a psychiatrist. (Pet. Ex. #4).

6. Respondent was evaluated by Harriet O'Hagan, M.D. on May 28, 1993. Dr. O'Hagan noted that Respondent exhibited impaired judgement when he tried to manipulate the doctor's recommendations by offering to refer patients to her. Dr. O'Hagan's diagnostic impression was "(1) Delusional disorder, paranoid jealous types; (2) Rule out Paranoid Personality disorder with sociopathic trends." Dr. O'Hagan noted that Respondent was suffering from paranoid delusions which interfere

with his functioning as they occupy and distort much of his thinking every day. She further noted that Respondent's judgment was severely impaired, leading him to engage in sociopathic behavior. Dr. O'Hagan recommended supportive psychotherapy at least once a week, eventually leading to insight oriented psychotherapy. She also recommended that if his delusions persisted, that low dose anti-psychotic medication be considered. (Pet. Ex. #4).

7. Respondent began treatment with Zev Labins, M.D. on September 8, 1993. Between that date and April 26, 1994, Dr. Labins saw Respondent on fifteen occasions. Dr. Labins' diagnostic impression was that Respondent was suffering from a delusional disorder of mixed type, involving both grandiose and persecutory features. (T. pp. 22-23).

8. Dr. Labins testified that, in his opinion, Respondent was impaired for the practice of medicine. He noted that one of the hallmarks of a delusional disorder is that within the scope of the delusion, the person is capable of behaving in nonproductive, irrational, and potentially self-destructive or other destructive ways. (T. pp. 23-24, 30).

9. Dr. Labins further testified that Respondent discontinued treatment with him on April 26, 1994. Dr. Labins noted that Respondent decision to terminate his treatment despite the direct order from the Board demonstrates Respondent's poor



judgement. Further, that poor judgement could be directly related to Respondent's fixed, firm belief that he does not have any psychiatric problems, that he has successfully passed his boards, but that the certificate is being withheld. (T. pp. 23, 25).

10. Dr. Labins recommended treatment with a low-dose anti-psychotic medication, but Respondent refused. (T. pp. 26-27).

11. Dr. Labins testified that he had advised Respondent against terminating treatment, but that Respondent said that he believed that there was no reason to continue treatment and that his time would be better spent attempting to obtain his board certification certificate. (T. pp. 25-26).

12. David Weiser, M.D., a board-certified psychiatrist, testified on behalf of Respondent. Dr. Weiser testified that he had seen Respondent four times, commencing on October 31, 1996. Dr. Weiser stated that it was unclear whether Respondent is suffering from a delusional disorder, or whether he is hampered by language and cultural problems. (T. pp. 41-44).

13. Dr. Weiser acknowledged that Respondent came to him in preparation for this disciplinary proceeding, and that absent this hearing, he probably would not have sought his evaluation. He also acknowledged that he had not yet formulated a diagnosis for Respondent. (T. 47-48).

14. Dr. Weiser also acknowledged that Respondent's difficulty in understanding his situation, which he ascribed to language difficulties, may actually be related to his psychiatric condition. (T. p. 66).

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the following Factual Allegations should be sustained. The citations in parentheses refer to the Findings of Fact which support each Factual Allegation:

Paragraph A: (1-2);  
Paragraph A.1: (3-14);  
Paragraph A.2: (3-14).

The Hearing Committee further concluded that the following Specifications should be sustained. The citations in parentheses refer to the Factual Allegations which support each Specification:

First Specification: (Paragraphs A and A.1);  
Second Specification: (Paragraphs A and A.2).

## DISCUSSION

Respondent is charged with two specifications alleging professional misconduct within the meaning of Education Law §6530. Respondent is charged with having a psychiatric condition which impairs his ability to practice medicine, in violation of N.Y. Educ. Law §6530(8). He is also charged with failing to comply with a condition imposed under Public Health Law §230, in violation of N.Y. Educ. Law §6530(29). The Hearing Committee unanimously concluded, by a preponderance of the evidence, that both specifications of professional misconduct should be sustained. The rationale for the Committee's conclusions regarding each specification of misconduct is set forth below.

Petitioner presented only one witness on its behalf - Dr. Labins. Respondent presented expert testimony by Dr. Weiser. On balance, the Hearing Committee gave greater weight to the testimony of Dr. Labins. He had the benefit of much greater contact with Respondent than Dr. Weiser, who only saw Respondent four times in the three weeks prior to the hearing. In contrast, Dr. Labins saw Respondent fifteen times over a seven month period.

Dr. Labins testified that he diagnosed Respondent as suffering from a delusional disorder, with grandiose and persecutory features. He also testified that he considered

Respondent to be impaired for the practice of medicine due to his condition and is unwillingness to continue treatment and agree to the use of anti-psychotic medications. In contrast, Dr. Weiser testified that he did not believe that Respondent was impaired, but acknowledged that he did not have sufficient information to make a reasoned diagnosis of Respondent's condition. On balance, the Hearing Committee gave greater credence to Dr. Labins testimony.

The Hearing Committee also heard the testimony of Respondent. Respondent's testimony was rambling, and at times, nearly incoherent. He remains irrationally convinced that he has passed his certification boards, despite the clear evidence to the contrary. He denied that he left treatment with Dr. Labins, claiming first that Dr. Labins said that he was finished with treatment, and then stating that he discontinued treatment because he couldn't afford to continue. He then indicated that he did not believe that he needed psychotherapy in any event, and that he felt it would be best to concentrate on his primary problem - obtaining his board certification.

Upon consideration of all of the evidence, the Hearing Committee unanimously concluded that Respondent is impaired for the practice of medicine, due to his ongoing psychiatric problems. As a result, the Committee voted to sustain the First Specification of professional misconduct.

The record clearly established that Respondent terminated treatment with Dr. Labins, against medical advice and that of CPH. By doing so, Respondent violated the terms and conditions imposed upon him through the June 1, 1993 Determination and Order of the Board. Accordingly, the Committee voted to sustain the Second Specification. ✓

#### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine as a physician in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent is in the grips of a delusional disorder which has destroyed his ability to function as a physician. Although his condition may be amenable to treatment, he refuses to see the necessity for such treatment. Instead, he directs all of his energies toward the impossible goal of convincing "someone" to release the board certification documents which he irrationally believes he has earned. Given that he has already walked away from treatment ordered by this board, it is unlikely

that any further mandate of treatment would be followed.

Under these circumstances, the Hearing Committee unanimously concluded that Respondent's continued practice of medicine would present an unacceptable risk to the public. Accordingly, the Committee voted to revoke Respondent's license to practice medicine in New York. Respondent will be free to apply for a restoration of his license after one year. In the event that he does seek a restoration of his license, he will face the burden of demonstrating that his psychiatric condition is under control and that he no longer presents a danger to the public.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First and Second Specifications of professional misconduct, as set forth in the Statement of Charges

(Petitioner's Exhibit # 1) are **SUSTAINED**;

2. Respondent's license to practice medicine as a physician in New York State be and hereby is **REVOKED** commencing on the effective date of this Determination and Order;

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by

certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York  
Dec 31, 1997/6

  
ANTHONY SANTIAGO (CHAIR)

WALTER M. FARKAS, M.D.  
BENJAMIN WAINFELD, M.D.

TO: David W. Smith, Esq.  
Associate Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

Peter P. Pisnanont, M.D.  
c/o Buddhist Temple & Meditation Center  
75 California Road  
Mt. Vernon, New York 10552

Mihaela Petrescu, Esq.  
146 Church Street  
White Plains, New York 10601

(112)

APPENDIX I



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

IN THE MATTER  
OF  
PETER P. PISNANONT, M.D.

NOTICE  
OF  
HEARING

TO: PETER P. PISNANONT  
c/o Buddhist Temple & Meditation Center  
75 California Road  
Mt. Vernon, New York 10552

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on *NOVEMBER 15*, at 10:00 a.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

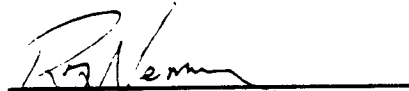
The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, §51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

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 BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a (McKinney Supp. 1996). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York  
Sept 24, 1996



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be directed to: DAVID W. SMITH  
Associate Counsel  
Bureau of Professional  
Medical Conduct  
5 Penn Plaza, Suite 601  
New York, New York 10001  
(212) 613-2617

IN THE MATTER  
OF  
PETER P. PISNANONT, M.D.

STATEMENT  
OF  
CHARGES

PETER P. PISNANONT, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 22, 1972, by the issuance of license number 115032 by the New York State Education Department.

#### FACTUAL ALLEGATIONS

- A. On or about June 1, 1993, the State Board for Professional Medical Conduct ("Board") after hearing at which Respondent appeared, found Respondent guilty of fraud in the forging of signatures in connection with a job application and Respondent's own health. The Board suspended the medical license of Respondent for one (1) year, stayed such suspension and ordered Respondent to remain actively involved with the Committee on Physician Health ("CPH") of the Medical Society of the State of New York until such time as CPH determined that it was no longer necessary.
1. Since at least in or about September, 1993, Respondent has been mentally ill and impaired for the practice of medicine, being delusional and suffering from paranoia.

2. Contrary to the advice of CPH, Respondent unilaterally terminated his therapy with CPH in or about April, 1994.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**IMPAIRMENT FOR THE PRACTICE OF MEDICINE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8)(McKinney Supp. 1996) by having a psychiatric condition which impairs his ability to practice as alleged in the facts of the following:

1. Paragraphs A and A1.

**SECOND SPECIFICATION**

**FAILING TO COMPLY WITH A CONDITION OR LIMITATION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(29)(McKinney Supp. 1996) by failing to comply with a condition imposed under §230 of the N.Y. Public Health Law as alleged in the facts of the following:

2. Paragraphs A and A2.

DATED: September 25, 1996  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct