



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

May 5, 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. 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

RE: In the Matter of Peter P. Pisnanont, M.D.

Dear Mr. Smith, Dr. Pisnanont and Mr. Petrescu:

Enclosed please find the Determination and Order (No.97-04) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler nm". The signature is written in a cursive style.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm

Enclosure

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

COPY

IN THE MATTER

OF

PETER P. PISNANONT, M.D.

Administrative Review from a Determination by a Hearing
Committee on Professional Medical Conduct

ADMINISTRATIVE
REVIEW BOARD
DETERMINATION
ARB NO. 97-04

Before: **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D., and WILLIAM A. STEWART, M.D., Board Members.**

After a hearing into charges that the Respondent **DR. PETER P. PISNANONT** (Respondent) practiced medicine while impaired by a psychiatric condition and failed to comply with a condition or limitation on his license to practice medicine in New York State (License), a Hearing Committee on Professional Medical Conduct (Committee) sustained the charges and revoked the Respondent's License. In this proceeding pursuant to N. Y. Pub. Health Law §230-c(4)(a) (McKinney's Supp. 1997), the Respondent asks the Administrative Review Board for Professional Medical Conduct (Board) to overturn the Committee's January 7, 1997 Determination, because the N. Y. S. Department of Health (Petitioner) failed to prove the charges. After reviewing the record in this case and conducting Deliberations on March 21, 1997, the Board votes to sustain the Committee's Determination on the charges and we sustain the Committee's Determination revoking the Respondent's License, because we agree with the Committee that the Respondent's continued medical practice would present an unacceptable risk to the public.

Administrative Law Judge **JAMES F. HORAN** served as the Board's Administrative Officer and drafted this Determination. The Respondent represented himself in this proceeding. **DAVID W. SMITH, ESQ.** (Associate Counsel, NYS Department of Health) represented the Petitioner.

COMMITTEE DETERMINATION ON THE CHARGES

Under N.Y. Pub. Health Law §230(7)(McKinney's Supp. 1997), three member Committee from the State Board for Professional Medical Conduct (BPMC) conduct disciplinary proceedings to

NEW YORK STATE DEPARTMENT OF HEALTH

determine whether physicians have committed professional misconduct. The Petitioner filed charges with BPMC alleging that the Respondent violated N.Y. Educ. Law §§6530(8) & (29) (McKinney's Supp. 1997) by: practicing medicine while a psychiatric condition impairs his ability to practice and by failing to comply with a condition or limitation on his License. Three BPMC Members, **ANTHONY SANTIAGO (Chair), WALTER M. FARKAS, M.D. and BENJAMIN WAINFELD, M.D.** comprised the Committee who conducted the hearing on the charges and who rendered the Determination that the Board now reviews. Administrative Law Judge **LARRY G. STORCH** served as the Committee's Administrative Officer. The evidence before the Committee included testimony by the Respondent, by his former treating physician Dr. Steven Labins, who testified for the Petitioner, and by Dr. David Weiser, a board-certified psychiatrist, who had seen the Respondent four times and who testified on the Respondent's behalf.

On the charge involving failing to comply with a condition or license limitation, the Committee found BPMC had disciplined the Respondent for fraud following a hearing in 1993. The penalty included a stayed suspension and the requirement that the Respondent undergo evaluation and treatment through the Committee on Physician Health (CPH). Under this requirement, the Respondent began treatment with Dr. Labins in September, 1993 and remained in treatment with Dr. Labins until April 26, 1994. The Committee found that the Respondent:

- discontinued the treatment in April, 1994;
- refused a recommendation from Dr. Labins to undergo treatment with low-dose anti-psychotic medication; and,
- ignored advise from Dr. Labins against terminating treatment, stating that he (Respondent) had no reason to continue treatment.

The Committee concluded that the Respondent's refusal to continue treatment with Dr. Labins constituted a failure to comply with a condition on his License and, therefore, constituted misconduct under N.Y. Educ. Law §6530(29) (McKinney's Supp. 1997).

On the impairment charge, the Committee found that the Respondent began evaluations and treatment through CPH in 1993. The evaluations and treatment resulted in the diagnoses and information which we summarize below.

- A February, 1993 evaluation by Dr. Thomas Markoski resulted in a recommendation for urine monitoring and a psychiatric evaluation to address the Respondent's delusions and persecution feelings.
- The Respondent's delusion centered on his belief that a disgruntled but powerful colleague began a conspiracy against the Respondent in 1968, that caused him to fail the internal medicine boards twenty years in a row.
- After two evaluations, Dr. Daniel Schwartz, the Director of Forensic Psychiatry at Kings County Hospital Center, noted that the Respondent likely suffered a persecutory delusional disorder and recommended that the Respondent enter psychotherapy and receive medication if indicated.
- An evaluation by Dr. Harriet O'Hagan in May, 1993 resulted in the diagnosis that the Respondent suffered from paranoid delusions that interfere with his functioning, distort his thinking every day and lead him to engage in sociopathic behavior.
- Dr. O'Hagan recommended at least weekly psychotherapy, with anti-psychotic medication as a consideration, if the delusions persisted.
- Dr. Labins diagnosed the Respondent as suffering from a grandiose, mixed type delusional disorder, involving persecutory features, that impaired the Respondent from practicing medicine.
- Within the delusional disorder's scope, a person can behave in an unproductive, irrational and potentially self-destructive or other destructive way.
- Dr. Labins concluded that the Respondent's decision to cease treatment with Dr. Labins in April, 1994 displayed poor judgement resulting from the Respondent's firm belief that he suffers no psychiatric problems.

The Committee determined that the Respondent suffers from a psychiatric condition that impairs his medical practice, a violation under N.Y. Educ. Law §6530(8) (McKinney's Supp. 1997). In reaching their findings and conclusions, the Committee gave great weight to the testimony from Dr. Labins for the Petitioner, because Dr. Labins had greater personal contact with the Respondent, than did the Respondent's expert witness Dr. Weiser. The Committee noted that Dr. Weiser admitted that he lacked

sufficient information to make a reasoned diagnosis concerning the Respondent's condition. The Committee found the Respondent's testimony rambling and, at times, nearly incoherent.

The Committee concluded that the a delusional disorder has destroyed the Respondent's ability to function as a physician. The Committee concluded further that, although treatment might help the Respondent, he refuses to see any necessity for treatment and instead directs all his attention to convincing someone to release his board certification documents. The Committee concluded that, because the Respondent has walked away from the treatment that BPMC ordered for him previously, little likelihood existed that the Respondent would follow a further treatment mandate. The Committee concluded that the Respondent's continued practice would present an unacceptable risk to the public and the Committee voted to revoke the Respondent's License.

HISTORY AND ISSUES

The Respondent filed a Notice requesting this review, which the Board received on January 22, 1997. The Record for review contained the Committee's Determination, the hearing transcripts and exhibits, the Respondent's brief and the Petitioner's reply brief. The Board received the Respondent's brief on February 24, 1997 and the Petitioner's reply on February 27, 1997.

The Respondent argues that the record contains no evidence, and that the Petitioner failed to prove, that either the Respondent suffers from a condition that impairs his ability to practice or that the Respondent failed to comply with the condition requiring him to participate in evaluations and treatment through CPH. He requests that the Board reconsider taking any action against his License that would interfere with employment he has just obtained and a clinical research study he plans to undertake. The Respondent argues that a letter he received from CPH indicated to him that he had completed his therapy and he argues that the facilities that have just hired him have acknowledged his normal mental range.

The Petitioner contends that the Respondent's brief presents no appealable issue, but merely alleges that the Committee erred by failing to believe the Respondent. The Petitioner asks the Board to affirm the Committee's Determination.

THE BOARD'S REVIEW AUTHORITY

In reviewing a Committee's Determination, the Board determines whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law, and whether the Penalty is appropriate and within the scope of penalties which the law permits [N.Y. Pub Health Law §230(10)(i), §230-c(1) & 230-c(4)(b)(McKinney's Supp. 1997)]. The Board may remand a case to the Committee for further consideration [N.Y. Pub. Health Law §230-c(4)(b)(McKinney's Supp. 1997)]. The Board's Determinations result from a majority concurrence among the Board's Members [N.Y. Pub. Health Law §230-c(4)(c)(McKinney's Supp. 1997)].

The Review Board may substitute our judgement for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd. 195 AD 2d 86, 606 NYS 2d 381 (Third Dept. 1993), in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct 205 AD 2d 940, 613 NYS 2d 759 (Third Dept. 1994), and in determining credibility. Matter of Minielly v. Comm. of Health 222 AD 2d 750, 634 NYS 2d 856 (Third Dept. 1995).

THE BOARD'S DETERMINATION

The Board has considered the record below and the parties' briefs. The Board sustains the Committee's Determination finding the Respondent guilty for misconduct under both charges. The testimony by Dr. Labis established clearly that the Respondent abandoned the treatment that BPMC had ordered the Respondent to undergo, following the earlier disciplinary procedure against him. The testimony from Dr. Labis and the recommendations and diagnoses, from the Respondent's evaluations by Drs. Markoski, Schwartz and O'Hagan, provide clear proof that the Respondent suffers from a psychiatric condition that impairs his ability to practice medicine. The Respondent's testimony and evidence to the contrary merely created factual issues for the Committee, as fact finder, to resolve. The Committee made no error in sustaining the charges against the Respondent, with such clear proof in the record to support the Committee's very well written findings and conclusions.

The Board sustains the Committee's Determination revoking the Respondent's License. The Respondent suffers from a delusional disorder that distorts his thinking and makes him capable to behave in self-destructive or other destructive ways. The Respondent has walked away from treatment

NEW YORK STATE DEPARTMENT OF HEALTH

that BPMC ordered that he undergo following an earlier disciplinary action against him and the Respondent refuses to accept the necessity for obtaining any treatment now. The Board finds the Committee acted appropriately in revoking the Respondent's License. We can see no alternative means in this case to protect the public.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Board **SUSTAINS** the Hearing Committee's January 7, 1997 Determination finding the Respondent guilty for professional misconduct.
2. The Board **SUSTAINS** the Hearing Committee's Determination to revoke the Respondent's License.

ROBERT M. BRIBER

SUMNER SHAPIRO

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

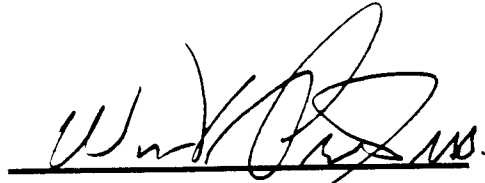
WILLIAM A. STEWART, M.D.

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

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pisanont.

DATED: Brooklyn, New York

APRIL 19, 1997

A handwritten signature in black ink, appearing to read "Winston S. Price, M.D.", written over a horizontal line.

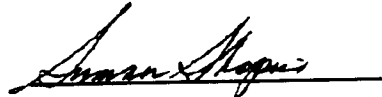
WINSTON S. PRICE, M.D.

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

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pisanont.

DATED: Delmar, New York

April 21, 1997


SUMNER SHAPIRO

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

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pisanont.

DATED: Syracuse, New York

21 April, 1997

William A Stewart

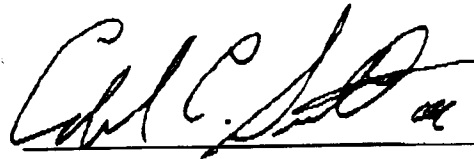
WILLIAM A. STEWART, M.D.

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

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pisanont.

DATED: Roslyn, New York

April 24, 1997



EDWARD C. SINNOTT, M.D.

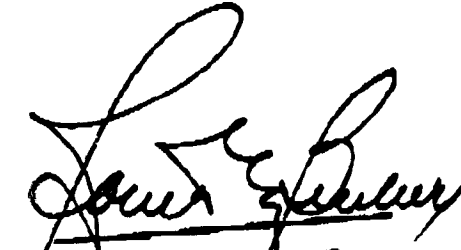
NYS DOH - ADJUDICATION Fax:518-402-0751

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

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pisnanont.

DATED: Schenectady, New York

Apr 30, 1997


ROBERT M. BRIBER