

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

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IN THE MATTER :
OF : ORDER
JOSEPH ANTHONY CHIOTA, JR., M.D. : BPMC 94-81

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Upon the application of Joseph Anthony Chiota, Jr., 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: 1 June 1994

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

I do not contest the Specification of Misconduct, in full satisfaction of the charges against me.

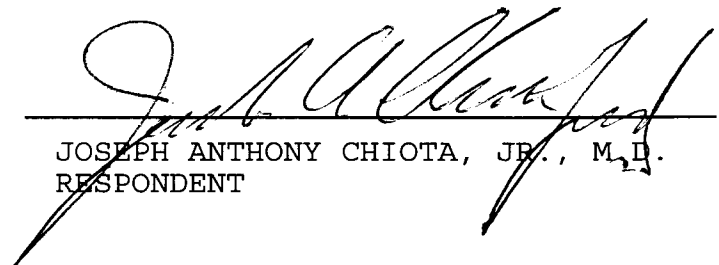
I hereby agree to the penalty that I be subject to a Censure and Reprimand. I agree that I shall be placed on probation, with regard to my performance of percutaneous transluminal coronary angioplasties, subject to the terms enumerated in Exhibit "B", attached, for a period of time beginning upon the effective date of the Consent Order applied for hereby, and continuing until a date two years after completion of 100 PTCA procedures under the terms of probation, subject to tolling provisions set forth in Exhibit "B".

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.

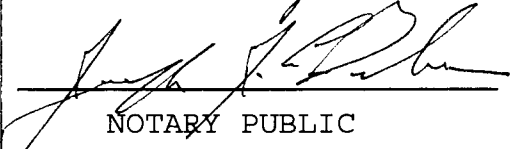
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



JOSEPH ANTHONY CHIOTA, JR., M.D.
RESPONDENT

Sworn to before me this
19th day of May, 1994.



NOTARY PUBLIC

JOSEPH J. LA BARBERA
Notary Public, State of New York
No. 24-4961854
Qualified in Kings County
Commission Expires February 5, 1996

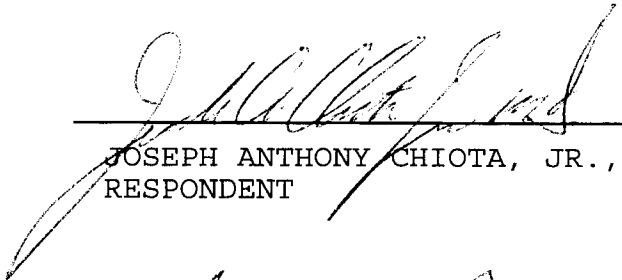
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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: APPLICATION
IN THE MATTER :
OF : FOR
: CONSENT
JOSEPH ANTHONY CHIOTA, JR., M.D. :
: ORDER
-----X

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

Date:

5/19/94



JOSEPH ANTHONY CHIOTA, JR., M.D.
RESPONDENT

Date:


5/19/94



JOSEPH J. LA BARBERA, ESQ.
ATTORNEY FOR RESPONDENT

Date:

5/23/94



ROY NEMERSON
DEPUTY COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: June 6, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 1 June 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X
IN THE MATTER : STATEMENT
OF : OF
JOSEPH ANTHONY CHIOTA, JR., M.D. : CHARGES
-----X

JOSEPH ANTHONY CHIOTA, JR., M.D., the Respondent, was authorized to practice medicine in New York State on August 21, 1987 by the issuance of license number 171975 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 38 East 22nd Street, New York, New York 10010.

FACTUAL ALLEGATIONS

- A. On or about March 3, 1991, Respondent performed a percutaneous transluminal coronary angioplasty on Patient A (identified in Appendix A) at Arnot-Ogden Hospital. This procedure was unwarranted by the patient's condition, as that condition was reflected in the patient's medical record(s).

EXHIBIT A

SPECIFICATION OF MISCONDUCT

1. Respondent is charged with professional misconduct within the ambit of N.Y. Educ. Law Section 6530(35) (McKinney Supp. 1994) which proscribes the ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. JOSEPH ANTHONY CHIOTA, JR., 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. That 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 Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, 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, no later than 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 refrain, during the period of probation, from performing percutaneous transluminal coronary angioplasty (PTCA) procedures in New York State except, in the event Respondent elects to resume the performance of PTCA's in New York State, he may do so as set forth below:

- a) Respondent may perform PTCA's in a program consisting of the performance by him of 100 PTCA procedures subject to pre-procedure, peri-procedure, and post-procedure supervision by a mentor proposed by Respondent and subject to the approval of the Director of the Office of Professional Medical Conduct ("henceforth "Director"). The Director shall not unreasonably withhold such approval, and shall not require said program to be located in New York State as long as all requirements of supervision and reporting by said mentor are met. Said supervision shall include:
- i) For each and every one of the 100 PTCA procedures the mentor shall review each patient case, with Respondent, for indications for and appropriateness of the procedure prior to the performance of the procedure, and for complications and appropriateness of patient care and management after the performance of the procedure.
 - ii) For each and every one of the first 50 PTCA procedures, the mentor shall be on site and shall supervise and evaluate the performance of each procedure:
 - A. During the first 25 of these procedures, the mentor shall be present in the procedure room.
 - B. During the second 25 of these procedures, the mentor may, at his or her discretion, be absent from the procedure room, but otherwise on site.
 - iii) For a period of two years beginning upon the completion of the 100th PTCA procedure, Respondent may resume performance of PTCA's without restriction, except Respondent shall meet at least quarterly with the mentor who shall evaluate Respondent's performance of PTCA through the review of Respondent's records. The selection of cases for such review shall be made at the mentor's discretion and Respondent shall provide whatever records and/or other information the mentor deems necessary for such review.
 - iv) Throughout the entire period of probation, the Respondent shall cause his mentor to provide the Director with quarterly reports

of the results of the mentors supervision, monitoring and/or evaluation of Respondent's medical practice and record keeping. The mentor shall report immediately to the Director any failure by Respondent to comply with the terms of probation or any inappropriate practices by Respondent.

6. During the two year period immediately following the completion of Respondent's program of 100 PTCA procedures, he shall meet quarterly with a monitor selected by the Director, for the purpose of case and practice evaluation and review regarding the pre-procedure, peri-procedure, and post-procedure performance and management of PTCA cases, and shall provide said monitor with whatever records and/or information said monitor deems necessary for said evaluation and review. This monitoring provision of the terms of probation shall be **tolled** until and unless Respondent resumes the performance of PTCA's in New York State, shall not require such monitoring until and unless he does resume such performance of PTCA's in New York State, but shall require a two year period of such monitoring beginning upon the resumption, by Respondent, of the performance of PTCA's in New York State.
7. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the Consent Order of the Board to which this exhibit is annexed;
8. 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.
9. The terms of this probation shall expire and be of no further force and effect on the completion of the program, evaluation, and review set forth in paragraphs 5 and 6 provided at such time Respondent is in full compliance with all applicable terms set forth in this exhibit.