



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

June 13, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roque P. Diego, M.D.
Graymanse
North Lake Boulevard
Mahopac, New York 10541

RE: License No. 102343

Dear Dr. Diego:

Enclosed please find Order #BPMC 97-134 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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: Roy Nemerson, Esq.

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

**IN THE MATTER
OF
ROQUE PASAOA DIEGO, M.D.**

**SURRENDER
ORDER**
BPMC #97-134

Upon the proposed agreement of ROQUE PASAOA DIEGO, M.D.
(Respondent) to Surrender his license as a physician in the State of New York,
which proposed agreement is made a part hereof, it is agreed to and


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

ORDERED, that the name of Respondent be stricken from the roster of
physicians in the State of New York; 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 via certified mail, whichever is
earliest.

SO ORDERED.

DATED: Nov 10 1997


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

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

IN THE MATTER
OF
ROQUE PASAOA DIEGO, M.D.

SURRENDER
OF
LICENSE

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

ROQUE PASAOA DIEGO, M.D., being duly sworn, deposes and says:

On or about September 10, 1968, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 102343 by the New York State Education Department.

My current address is Graymanse, North Lake Blvd, Mahopac, NY 10456, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the first and second specifications, in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


ROQUE PASAOA DIEGO, M.D.
RESPONDENT

Sworn to before me this

3 day of *June*, 1997


NOTARY PUBLIC


AGNES M. LARSON
Notary Public, State of New York
No. 01LA5040987
Qualified in New York County
Commission Expires March 27, 1999

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: _____

Attorney for Respondent
(leave blank if Respondent elects to forgo legal representation)

Date: 6/2/97



ROY NEMERSON
DEPUTY COUNSEL
Bureau of Professional
Medical Conduct

Date: 6/5/97



ANNE F. SAILE
Director
Office of Professional Medical Conduct

**IN THE MATTER
OF
ROQUE PASAOA DIEGO, M.D.**

**STATEMENT
OF
CHARGES**

ROQUE PASAOA DIEGO, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 10, 1968, by the issuance of license number 102343 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 7, 1996, Patient A (identified in Appendix A), was admitted to Bronx-Lebanon Hospital for multiple tooth extraction and treatment of periodontal disease under general anesthesia. Anesthesia was provided by FC, D.D.S. (identified in Appendix A) under the instruction and supervision of Respondent, resulting ultimately in esophageal intubation, regardless of the initial placement of the tube. Monitoring and diagnosis of such intubation was not appropriately accomplished. The patient died.
1. Respondent failed to adequately supervise the administration of anesthesia to and the diagnosis and correction of the esophageal intubation of Patient A.

EXHIBIT "A"

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILURE TO SUPERVISE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(33)(McKinney Supp. 1997) by Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee, as alleged in the facts of:

1. Paragraph A.

SECOND SPECIFICATION

IMPROPER DELEGATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(25)(McKinney Supp. 1997) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them, as alleged in the facts of:

2. Paragraph A.

THIRD SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1997) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

3. Paragraph A.

EXHIBIT "A"

DATED: May , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "A"