



New York State Board for Professional Medical Conduct

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

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NYS Department of Health*

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

November 9, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dean A. Everhart, M.D.
4 Moonedge Road
Northport, NY 11768

RE: License No.: 080846

Dear Dr. Everhart:

Enclosed please find Order #BPMC 99-271 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 9, 1999.**

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 to 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: Anthony Scher, Esq.
Wood and Scher
The Harwood Building
Scarsdale, NY 10583

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
DEAN A. EVERHART, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-271

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

DEAN A. EVERHART, M.D., (Respondent) being duly sworn, deposes and says:

That on or about September 27, 1931, I was licensed to practice as a physician in the State of New York, having been issued License No. 080846 by the New York State Education Department.

My current address is 4 Moonedge Road, Northport, New York, 11768 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 four specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the four specifications of misconduct, 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 Public Health Law §230-a(3) to preclude medical practice, all clinical practice, and direct patient care, treatment or contact. I shall not diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition.

I further agree that I shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding this order. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue for the duration of this license limitation.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

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.

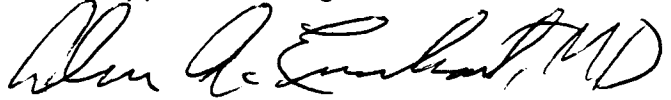
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



DEAN A. EVERHART, M.D.
RESPONDENT

DATED October 26, 99


Sworn to before me
on this 26 day of
October 1999

DONNA M. KOCH
Notary Public, State of New York
No. 01KO6015567
Qualified in Suffolk County
Commission Expires Nov. 02, 2000


Donna M. Koch
NOTARY

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

DATE: 10/20/99


ANTHONY SCHER, ESQ.
WOOD AND SCHER
Attorney for Respondent

DATE: 11/1/99


DANIEL GUENZBURGER
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Nov. 4, 1999


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
DEAN A. EVERHART, M.D.

CONSENT
ORDER

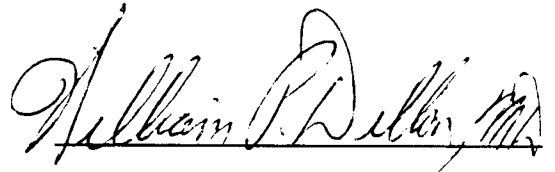
Upon the proposed agreement of DEAN A. EVERHART, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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: 11/8/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

"EXHIBIT A"

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

IN THE MATTER
OF
DEAN EVERHART, M.D.

STATEMENT
OF
CHARGES

DEAN EVERHART, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 7, 1958, by the issuance of license number 080846 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about February 5, 1995, 1:25 A.M., Patient A, a 25 year old male, presented to the Emergency Department of Huntington Hospital, Huntington, New York, with a history of nausea and sore throat for 4 days, temperature of 102.4 degrees fahrenheit and blood pressure of 100/80. Within 35 minutes of presenting to the emergency room Patient A's blood pressure fell to 84/50. Respondent assumed responsibility for Patient A's care at approximately 4:00 A.M., when an emergency room physician notified Respondent by telephone of Patient A's condition. On or about February 7, 1995, approximately 48 hours after admission, Patient A died of toxic shock syndrome and disseminated intravascular coagulopathy due to streptococcal sepsis. (The identity of Patient A and the other patients in the Statement of Charges are identified in the attached appendix.)

During the period of treatment regarding Patient A, Respondent:

1. Inappropriately delayed initiating intravenous anti-biotic

therapy. Intravenous anti-biotics therapy was ordered by another physician on or about February 25, 1995, at 12:45 P.M.

2. Inappropriately delayed examining the Patient.

Respondent did not examine Patient A until on or about February 25, 1995, 11:30 A.M.

- B. On or about May 23, 1993, Patient B, an 82 year old male, was brought to the Huntington Hospital emergency room after having been found unresponsive in his home. Patient A had a history of Alzheimer's disease and mutli-infarct dementia. While in the emergency room Patient B experienced several grand mal seizures and he was subsequently diagnosed as having a left cerebral hemorrhage. On or about July 4, 1993 Respondent ordered stool guaiacs. Positive stool guaiacs were reported on July 11, July 12, and two positive stool guaiacs were reported on July 13. Patient B expired on August 14, 1993.

During the period of treatment regarding Patient B, Respondent:

1. Failed to take appropriate diagnostic and therapeutic steps in response to four positive stool guaiacs.
2. Failed to maintain a record that accurately reflects the evaluation and treatment of the patient.

- C. On or about June 14, 1993, Patient C, an 89 year old female, presented to Huntington Hospital with a change in mental status and dehydration. Respondent assumed responsibility for Patient C's care on June 17, three days after admission. Patient C remained hospitalized until she expired on

July 15, 1993. Her discharge diagnosis was organic brain disease, cerebral vascular accident, arteriosclerotic cardiovascular disease with primary hypertension and possible upper gastrointestinal bleed. Respondent deviated from medically accepted standards in that he:

1. Failed to examine the patient on July 7, 8, 10, 13, 14, and 15, 1993.
2. Failed to adequately evaluate and treat Patient C's anemia and possible blood loss. At the time of admission Patient C's hemoglobin was 11 and her hematocrit was 32.7. On or about July 7, 1993 her hemoglobin had declined to 9.2 and her hematocrit had declined to 26.
3. Failed to ensure the performance of stool guaiacs which had been ordered by another physician at the time of admission.
4. Failed to maintain a record that accurately reflects the evaluation and treatment of the patient.

SPECIFICATION OF CHARGES

FIRST 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. 1999) 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:

1. Paragraphs A, A1, A2, B, B1, B2, C, C1, C2, C3 and/or C4.

SECOND 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. 1999) 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:

2. Paragraphs A, A1, A2, B, B1, B2, C, C1, C2, C3 and/or C4.

THIRD AND FOURTH SPECIFICATION

RECORDKEEPING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) McKinney Supp. 1999) by failing to maintain a record that accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

3. Paragraphs B and B2.
4. Paragraphs C and C4.

DATED: October 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct