



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

April 27, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Moshe Gaerman, M.D.
1511-A President Street
Brooklyn, NY 11213

RE: License Number 147654
Effective Date: 5/7/92

Dear Dr. Gaerman:

Enclosed please find Order #BPMC 92-36 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
MOSHE GAERMAN, M.D. : BPMC # 92-36

-----X

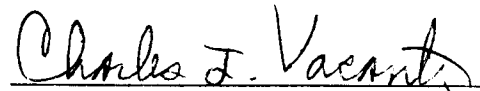
Upon the Application for Consent Order of MOSHE GAERMAN,
M.D., which Application is made a part hereof, it is

ORDERED, that the Application and the provisions therein
are hereby adopted and it is further

ORDERED that this Order shall take effect as of the date
of the personal service of this Order upon the Respondent or upon
Respondent's receipt of the Order by certified mail, or seven days
after the date of the letter transmitting the Order to Respondent
by certified mail, whichever is earlier.

SO ORDERED,

DATED: 21 April 1992



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

IN THE MATTER

OF

MOSHE GAERMAN, M.D.

: APPLICATION

: FOR

: CONSENT

: ORDER

STATE OF NEW YORK)

SS.:

COUNTY OF KINGS)

MOSHE GAERMAN, M.D., being duly sworn, deposes and says:

That on or about September 18, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 147654 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period of January 1, 1991 through December 31, 1992, with a current registration address of 1512 President Street, Brooklyn, New York 11213.

I understand that the New York State Board of Professional Medical Conduct has charged me with one Specification of professional misconduct.

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

I admit guilt to the Specification as it applies to Paragraph A1 of the Factual Allegations and all of the facts alleged therein.


I hereby agree to the penalty that my license to practice medicine be suspended for a period of two years, said suspension be stayed and that I be placed on probation for a period of two years subject to the terms enumerated 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 may be issued in accordance with same.

No promises of any kind were made 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.



MOSHE GAERMAN, M.D.
Respondent

Sworn to before me this
7 day of August, 1992.



NOTARY PUBLIC

DOUGLAS H. JABLONSKY
Notary Public, State of New York
No. 24 - 4523053
Qualified in Kings County
Commission Expires Oct. 31, 1994

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

IN THE MATTER

OF

MOSHE GAERMAN, M.D.

267
H
K
: APPLICATION

: FOR

: CONSENT

: ORDER

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

Date:

Apr 7/92

(Gaerman)
MOSHE GAERMAN, M.D.
Respondent

Date:

April 14, 1992

Frederick Zimmer
FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date:

April 24, 1992

Laura Leeds for K.T.
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date:

21 April 1992

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

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IN THE MATTER	:	STATEMENT
OF	:	OF
MOSHE GAERMAN, M.D.	:	CHARGES

-----X

MOSHE GAERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on September 18, 1981 by the issuance of license number 147654 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, 1991 through December 31, 1992 with a current registration address of 1512 President Street, Brooklyn, New York 11213.

EXHIBIT A

FACTUAL ALLEGATIONS

A. The Respondent, on or about August 27, 1990, at Maimonides Medical Center, Brooklyn, New York, was the anesthesiologist for a coronary artery bypass operation and left carotid endartarectomy to be performed that day on Patient A (Patient A is identified in the Appendix).

1. The Respondent failed to check that the anesthesia circuit connections were properly connected prior to the induction of anesthesia to Patient A.
2. The Respondent failed to determine that the anesthesia circuit connections were improperly connected for approximately forty minutes prior to and during the induction of anesthesia to Patient A.
3. The Respondent failed to determine that anesthesia circuit connections were improperly connected after Patient A's attending surgeon inquired whether the machine was functioning properly.
4. The Respondent failed to attempt to ventilate Patient A through other means during the induction of anesthesia. These other means included blowing through Patient A's endo-tracheal tube and/or utilizing an ambu-bag and/or second anesthesia machine.

SPECIFICATION

GROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Sec. 6530(4) (McKinney's

Supp., 1992), in that the Petitioner alleges the facts in
Paragraphs A and A.1 and/or A.2, A.3 and/or A.4.

DATED: Albany, New York
April 14, 1992

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. That Respondent, 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, 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 comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his 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;
7. Respondent's anesthesiology practice shall be limited to a supervised setting where there is a board certified anesthesiologist present on the premises at all times during which Respondent is practicing;
8. Respondent's practice of anesthesiology shall be monitored by a board certified anesthesiologist to be approved by the Director of the Office of Professional Medical Conduct who shall monitor and evaluate Respondent's anesthesiology practice on a selective basis and who shall monitor not less than five cases per month;
9. All reviews should focus on the appropriateness of dosages of agents and all anesthesia drugs administered to patients by the Respondent, and Respondent's pre-operative procedures including the timeliness of his arrival for surgery, his preparation for induction of anesthesia and his equipment checks. All cases monitored should be followed by discussion of the Respondent's case management and of Respondent's performance during the period of anesthesia care;
10. All of Respondent's anesthesia records shall indicate pulse oximetry values and where required, end tidal carbon dioxide values not less than every 15 minutes. Such documentation shall be reviewed as part of Respondent's monitoring regime.
11. The Respondent's monitor shall submit bi-annual reports to the Director of OPMC at the above address attesting to the propriety of the Respondent's anesthesiology practice. The monitor shall notify the Director of OPMC of any failure to comply with appropriate standards of anesthesia care.