



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

March 4, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Damrong Hadsaitong, M.D.
71 Kenmore Avenue
Amherst, New York 14226

RE: License No. 134585
Effective Date: 3/11/93

Dear Dr. Hadsaitong:

Enclosed please find Order #BPMC 93-33 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

-----X

IN THE MATTER

:

OF

:

ORDER

DAMRONG HADSAITONG, M.D.

:

BPMC 93-33

-----X

Upon the Application of DAMRONG HADSAITONG, M.D.
(Respondent) to Surrender his or her license as a physician in the
State of New York, which application is made a part hereof, it is

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

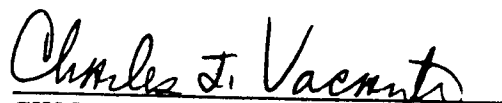
ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; 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 via certified mail, whichever is
earliest.

SO ORDERED,

DATED: 26 February 1993



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

DAMRONG HADSAITONG, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

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

DAMRONG HADSAITONG, M.D., being duly sworn, deposes and
says:

On or about June 9, 1978, I was licensed to practice as a
physician in the State of New York having been issued License
No. 134585 by the New York State Education Department.

I am registered with the New York State Education
Department to practice as a physician in the State of New York
for the period beginning on January 1, 1993 and ending on
December 31, 1994. My registration address is 71 Kenmore
Avenue, Amherst, New York 14226-0000.

I understand that I have been charged with fifteen
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 do not wish to contest the specifications of professional misconduct as set forth in the charges. Nothing contained herein shall be construed as an admission of any specification.

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.

Damrong Hadsaitong

DAMRONG HADSAITONG, M.D.
Respondent

Sworn to before me this
18 day of FEBRUARY 1993

Gregory Stamm
NOTARY PUBLIC

GREGORY STAMM
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/30/94

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

IN THE MATTER
OF
DAMRONG HADSAITONG, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

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

Date: 2-18, 1993

Damrong Hadsaitong
DAMRONG HADSAITONG, M.D.
Respondent

Date: 2-18, 1993

Gregory Stamm
GREGORY STAMM Esq.
Attorney for Respondent

Date: February 2, 1993

Frederick Zimmer Esq.
Frederick Zimmer, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

DAMRONG HADSAITONG, M.D.

Date: March 2, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 26 February 1993

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
DAMRONG HADSAITONG, M.D. : CHARGES
-----X

DAMRONG HADSAITONG, M.D., the Respondent, was authorized to practice medicine in New York State on June 9, 1978 by the issuance of license number 134585 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 with a current registration address of 71 Kenmore Avenue, Amherst, New York 14226-0000.

FACTUAL ALLEGATIONS

A. Respondent, on or about May 21, 1991 until Patient A's death on May 27, 1991, provided medical care for Patient A (patients are identified in the Appendix) at Sisters of Charity Hospital, 2157 Main Street, Buffalo, New York (hereinafter "Sisters of Charity Hospital"). Patient A, a 70 year old female, was admitted with a two week history of epigastric and back pain. Upon admission, Patient A was discovered to have an

EXHIBIT A

aneurysm of the abdominal aorta of approximately 2-3 centimeters.

1. Respondent, on or about May 24, 1991, performed surgery to repair the aneurysm which was not indicated and/or contraindicated.
2. Respondent, during the above surgery, injured Patient A's aorta resulting in a hemorrhage.
3. Respondent, during the above surgery and thereafter, failed to reestablish blood flow to Patient A's lower left extremity.
4. Respondent, on or about May 26, 1991, attempted to cut down Patient A's bypass graft at her bedside and to administer Urokinase in the intensive care unit rather than in the operating room.

B. Respondent, on or about April 29, 1992, provided medical care for Patient B, at Sisters of Charity Hospital. Patient B, an eighty three year old female, was admitted on or about April 29, 1992, with a diagnosis of pleural effusion. Patient B died on or about April 29, 1992, shortly after a thoracostomy procedure.

1. Respondent, while inserting chest tubes during the above thoracostomy procedure, caused an injury to Patient B's vascular structure.
2. Respondent failed to recognize and treat the injury.

C. Respondent, from March 31, 1988 until Patient C's death on April 21, 1988, provided medical care for Patient C at Sheehan Memorial Hospital, 425 Michigan Avenue, Buffalo, New York (hereinafter "Sheehan Memorial Hospital"). Patient C, a

33 year old male, who had a history of cocaine use, was admitted on March 31, 1988 with second to third degree burns on thirty percent of his body.

1. Respondent failed to adequately treat Patient C's wounds in a timely manner in that he did not order Silvadene or similar antimicrobial dressings to be applied, until April 2, 1988.
2. Respondent failed to obtain an adequate antibiotic level to address Patient C's Pseudomonas sepsis.

D. Respondent, from on or about April 1, 1992 until Patient D's death on June 5, 1992, provided medical care for Patient D at Sheehan Memorial Hospital. Patient D, an eighty year old male, was admitted with cancer of the rectosigmoid area.

1. Respondent, during the course of surgery on or about April 2, 1992, perforated Patient D's colon.
2. Respondent, during the above surgery, inappropriately persisted with laparoscopic surgery after causing the perforation in Patient D's colon.
3. Respondent, on or about April 7, 1992, during the course of a surgical procedure to release a small bowel obstruction, failed to relocate Patient D's colostomy.
4. Respondent, on or about April 17, 1992, during the course of surgery to correct further bowel obstructions, lacerated Patient D's small bowel and caused multiple inadvertent enterotomies resulting in two bowel resections.

E. Respondent, beginning on or about December 11, 1991, until Patient E's death on February 7, 1992, provided medical

care for Patient E, a ninety five year old female, at Sheehan Memorial Hospital. Respondent, on or about December 20, 1991, excised an ulcer from Patient E's left leg and, on or about December 24, 1991, performed a cholecystectomy using both laparoscopic and open surgery. Patient E who had been discharged on January 2, 1992, was readmitted on or about January 21, 1992 after suffering a stroke.

1. Respondent, during the cholecystectomy, injured Patient E with the result that Patient E suffered a common bile duct injury.
2. Respondent, on or about January 31, 1992, performed a choledochojejunostomy which was not indicated and/or contraindicated.

F. Respondent, from August 9, 1989 until September 18, 1989, provided medical care for Patient F at Sheehan Memorial Hospital. Patient F, a 70 year old female, had a one year history of intermittent claudication of both legs and increasing pain and blue toe syndrome in her left leg. She was admitted on August 9, 1989 for an aortofemoral arteriogram which showed among other things, tight stenosis of the left superficial femoral artery. On August 10, 1989, during a left superficial femoral artery angioplasty, an embolism was noted in her left distal popliteal artery. Among other surgical procedures, bypass surgery was performed on Patient F on August 14, 1989, an arteriogram was performed on August 16, 1989 and a thrombectomy was performed on August 17, 1989. Patient F's left

leg was ultimately amputated above the left knee on August 26, 1989.

1. Respondent, following the angioplasty of August 10, 1989, failed to perform bypass surgery in a timely manner in that bypass surgery was not performed until August 14, 1989.
2. Respondent, after the above bypass surgery was unsuccessful, failed to perform a completion angiogram and/or order an arteriogram in a timely manner in that a completion angiogram was not performed on August 14, 1989 and an arteriogram was not ordered until August 16, 1989.
3. Respondent failed to perform a thrombectomy in a timely manner in that a thrombectomy was not performed until August 17, 1989.

G. Respondent, pursuant to a New York State Department of Health communication, dated September 25, 1992, was requested to make available medical records regarding an inquiry into Respondent's possible professional misconduct concerning Patients A, B, C, D, E, F, G, H, I and J.

1. Respondent failed to make the above records available to the Department within thirty days of delivery of the above communication.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Sec. 6530(4) (McKinney Supp. 1992) in that the Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.
2. The facts in Paragraphs B and B.1. and/or B and B.2.
3. The facts in Paragraphs C and C.1, and/or C and C.2.
4. The facts in Paragraphs D and D.1, D and D.2, D and D.3, and/or D and D.4.
5. The facts in Paragraphs E and E.1, and/or E and E.2.
6. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence under N.Y. Educ. Law Sec. 6530(6) (McKinney Supp. 1992) in that the Petitioner charges:

7. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.
8. The facts in Paragraphs B and B.1. and/or B and B.2.
9. The facts in Paragraphs C and C.1, and/or C and C.2.

10. The facts in Paragraphs D and D.1, D and D.2, D and D.3, and/or D and D.4.
11. The facts in Paragraphs E and E.1, and/or E and E.2.
12. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

THIRTEENTH SPECIFICATION

**PRACTICING WITH NEGLIGENCE ON
MORE THAN ONE OCCASION**

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Sec. 6530(3) (McKinney Supp. 1992). The Petitioner charges that Respondent committed at least two of the following:

13. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2, F and F.1, F and F.2, and/or F and F.3.

FOURTEENTH SPECIFICATION

**PRACTICING WITH INCOMPETENCE ON
MORE THAN ONE OCCASION**

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Sec. 6530(5) (McKinney Supp. 1992). The Petitioner charges that Respondent committed at least two of the following:


14. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2, F and F.1, F and F.2, and/or F and F.3.

FIFTEENTH SPECIFICATION
FAILING TO MAKE AVAILABLE RELEVANT RECORDS

Respondent is charged with professional misconduct under N.Y. Educ. Law Sec. 6530(28) (McKinney Supp. 1992) in that he failed to make available to the New York State Department of Health within thirty days relevant records with respect to an inquiry or complaint about the licensee's professional misconduct, in that the Petitioner charges:

15. The facts in Paragraphs G and G.1.

DATED: Albany, New York
January 8, 1993



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