



**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

December 12, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Eugene Oliveto, M.D.  
8031 West Center Road  
Suite 208  
Omaha, Nebraska 68124

RE: License No. 101686  
Effective date: 12/19/94

Dear Dr. Oliveto:

Enclosed please find Order #BPMC 94-261 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 12237-0756

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  
EUGENE C. OLIVETO, M.D. : BPMC #94-261

-----X

Upon the Application of EUGENE C. OLIVETO, M.D. (Respondent) to Surrender his/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 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: 5 December 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 : APPLICATION TO  
OF : SURRENDER  
EUGENE C. OLIVETO, M.D. : LICENSE

-----X

STATE OF NEBRASKA )

ss.:

COUNTY OF DOUGLAS )

Eugene C. Oliveto, being duly sworn, deposes and says:

On or about July 9, 1968, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 101686 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one Specification 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.


I hereby plead no contest to the allegations and charges set forth in the Statement of Charges (Exhibit A).

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.

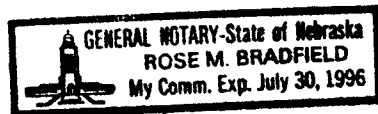
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

  
Eugene C. Oliveto, M.D.  
Respondent

Sworn to before me this  
30 day of November, 1994

  
NOTARY PUBLIC



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

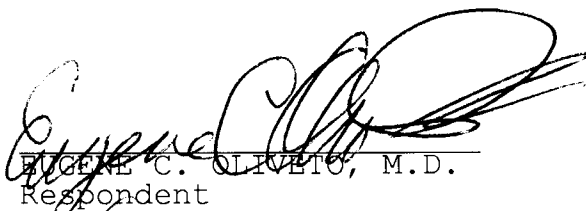
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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
EUGENE C. OLIVETO, M.D. : LICENSE


-----X

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


Date: \_\_\_\_\_, 1994

  
EUGENE C. OLIVETO, M.D.  
Respondent

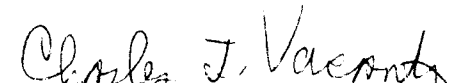
Date: 12/7/94, 1994

  
TIMOTHY J. MAHAR  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: Dec. 8, 1994

  
KATHLEEN M. TANNER  
Director, Office of  
Professional Medical Conduct

Date: 8 December, 1994

  
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  
EUGENE C. OLIVETO, M.D. : CHARGES

-----X

Eugene C. Oliveto, M.D., the Respondent, was authorized to practice medicine in New York State on July 9, 1968, by the issuance of license number 101686 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

1. The Nebraska Department of Health by Order on Agreed Settlement dated December 23, 1992, imposed, among other things, the following discipline upon Respondent:

a. required Respondent for two years to submit monthly reports of prescriptions Respondent writes for controlled substances; and

b. required Respondent to attend twenty hours of continuing medical education on the recognition of patients addicted to controlled substances.

EXHIBIT A

2. The conduct underlying the Nebraska Director of Health's imposition of discipline upon Respondent consisted of unprofessional conduct and practicing medicine with gross negligence or gross incompetence in violation of Nebraska Revised Statutes §71-147(5)(d) and (10), including,

a. prescribing to Patient L.R. from May, 1989, through July, 1990, Percodan (Schedule II) in monthly dosages ranging from 60 to 160 per month, Tylox (Schedule II) in monthly dosages ranging from 60 to 200, and Tylenol No.4 (Codeine) (Schedule III) in monthly dosages ranging from 100 to 400, and instructing Patient L.R. to alternate taking Percodan, Tylox and Tylenol No.4 so as not to become tolerant to the medication;

b. prescribing to Patient T.D. from January, 1987, through April, 1990, Percodan (Schedule II) in monthly dosages ranging from 100 to 300, Percocet (Schedule II) in monthly dosages ranging from 100 to 200, and Tenuate Dospan (Schedule IV) in monthly dosages ranging from 30 to 200, among other drugs, and prescribing these drugs when Respondent knew or should have known that Patient T.D. showed signs of becoming addicted to these drugs;

c. prescribing to Patient R.F. from January, 1987, through July, 1990, Demerol (Schedule II) in monthly dosages ranging from 30 to 280, and from November, 1987 through July, 1990, Talwin (Schedule II) in monthly dosages ranging from 60 to 200, among other drugs, and prescribing these drugs after



Respondent knew or should have known that Patient R.F. showed signs of becoming addicted to controlled substances;

d. prescribing to Patient G.M. from September, 1987, through April, 1990, Tylox (Schedule II) in monthly dosages ranging from 60 to 360, and Tylenol No.4 (Codeine) (Schedule III) in monthly dosages ranging from 100 to 400, and prescribing these drugs after Respondent knew or should have known that Patient G.M. showed symptoms indicating that he had become addicted to controlled substances;

e. prescribing to Patient R.F. from November, 1987, to July, 1990, Talwin (Schedule II) in combination with Demerol (Schedule II) and Tylenol No.4 (Codeine) (Schedule III).


3. The conduct underlying the Nebraska Department of Health's imposition of disciplinary action upon Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing with negligence on more than one occasion] and/or §6530(4) [practicing with gross negligence on a particular occasion] and/or §6530(5) [practicing with incompetence on more than one occasion] and/or §6530(6) [practicing with gross incompetence] (McKinney Supp. 1994).

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of having disciplinary action taken against his license to practice medicine by a duly authorized professional disciplinary agency of another state, where the conduct resulting in disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1 through 3.

DATED: *Oct. 24*, 1994  
Albany, New York

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