



*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 15, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Lourival Passini, M.D.  
PO Box 366  
Coldbrook Road  
Boiceville, New York 12412

RE: License No. 122500

Dear Dr. Passini:

Enclosed please find Order #BPMC 98-110 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 15, 1998.**

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: Edward Hedberg, Esq.  
35 Market Street  
Poughkeepsie, New York 12601

Valerie B. Donovan

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

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IN THE MATTER : CONSENT  
OF : AGREEMENT  
LOURIVAL PASSINI, M.D. : AND ORDER  
: BMC # 98-110

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Lourival Passini, M.D., says:

That on or about November 19, 1974, I was licensed to practice as a physician in the State of New York, having been issued license number 122500 by the New York State Education Department.

My current address is Post Office Box 366, Coldbrook Road, Boiceville, New York 12412, 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 five specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the five specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

- a. Censure and Reprimand; and
- b. I shall enroll in and complete a continuing education program in issues in emergency medicine, particularly in the

areas of advanced pediatric life support and advanced trauma life support to be equivalent to at least fifty credit hours of Continuing Medical Education. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within one year from the date of this order.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

This condition shall be in effect beginning thirty days after the effective date of the Consent Order. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that 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.

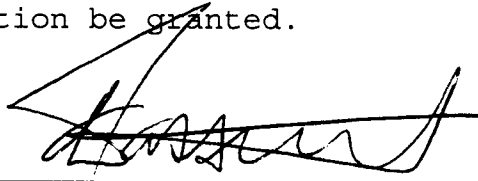
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, 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.

AFFIRMED:

  
\_\_\_\_\_  
LOURIVAL PASSINI, M.D.  
RESPONDENT

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

DATE: May 26, 1998



EDWARD K. HEDBERG, ESQ.  
Attorney for Respondent

DATE: June 1, 1998

Valerie B. Donovan  
VALERIE B. DONOVAN  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: June 4, 1998

Anne F. Saile  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

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

-----X  
IN THE MATTER :  
OF : CONSENT  
LOURIVAL PASSINI, M.D. : ORDER  
:  
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Upon the proposed agreement of Lourival Passini, 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 as of the date of the personal service of this order upon Respondent, upon mailing of this 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: June 8, 1998

  
PATRICK F. CARONE, M.D., M.P.H.  
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  
LOURIVAL PASSINI, M.D. : CHARGES

-----X

LOURIVAL PASSINI, M.D., the Respondent, was authorized to practice medicine in New York State on November 19, 1974 by the issuance of license number 122500 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 November 1, 1997, through October 30, 1999, with a registration address of Post Office Box 366, Coldbrook Road, Boiceville, New York 12412.

**FACTUAL ALLEGATIONS**

A. On March 8, 1993, Respondent provided medical care to Patient A, who was then five months of age, in the Emergency Room of St. Luke's Hospital, located in Newburgh, New York, for a temperature of 105°, cough and congestion. Respondent's medical care of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to identify a dense upper right lobe pneumonia evident on x-ray of Patient A.
2. Respondent failed to perform a pulse oximetry on Patient A.
3. Respondent failed to consult with Patient A's personal

physician.

4. Respondent failed to hospitalize Patient A.

B. On August 28, 1992, Respondent provided medical care to Patient B, who was then five months of age, in the Emergency Room of St. Luke's Hospital, who presented with a history and symptoms of possible cyanosis. Respondent's medical care of Patient B deviated from accepted standards of medical care in the following respects:

1. Respondent failed to use pulse oximetry to objectively assess Patient B's oxygenation.
2. Respondent failed to consult with Patient B's pediatrician and/or hospitalize Patient B.

C. On November 13, 1993, Respondent provided medical care to Patient C, who was then six years of age, in the Emergency Department of the Benedictine Hospital, located in Kingston, New York for a head injury caused by a blunt instrument with potential to cause a penetrating injury. Respondent's medical care of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent failed to order a skull X-ray of Patient C.
2. Respondent failed to adequately explore Patient C's underlying skull bone through the open wound and/or failed to adequately document such an evaluation.

D. On April 22, 1992, Respondent provided medical care to Patient D, age 40, in the Emergency Department of the Columbia Green Medical Center, located at 161 Jefferson Heights, Catskill, New York, 12412 for a head injury caused by a blunt object with potential to cause a penetrating injury. Respondent's medical care of Patient D deviated from accepted standards of medical



care in the following respects:

1. Respondent failed to adequately explore Patient D's underlying skull bone through the open wound and/or failed to adequately document such an evaluation.

### **SPECIFICATIONS OF CHARGES**

#### **FIRST SPECIFICATION**

##### **GROSS NEGLIGENCE**

Respondent is charged with professional misconduct as defined in N.Y. Educ. Law § 6530(4) by reason of his practicing the profession of medicine with gross negligence, in that Petitioner charges that Respondent committed the following:

1. The facts in paragraph A and A.1.

#### **SECOND SPECIFICATION**

##### **GROSS INCOMPETENCE**

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(6) by reason of his practicing the profession of medicine with gross incompetence, in that Petitioner charges that Respondent committed the following:

2. The facts in paragraph A and A.1.

#### **THIRD SPECIFICATION**

##### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(3) by reason of his practicing the

profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

3. 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, and/or D and D.1.

#### **FOURTH SPECIFICATION**

##### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(5) by reason of his practicing the profession of medicine with incompetence on more than one occasion, in that petitioner charges that Respondent committed two or more of the following:

4. The facts in paragraphs 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, and/or D and D.1.

#### **FIFTH SPECIFICATION**

##### **INADEQUATE RECORDS**

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in violation of New York Education Law §6530(32), in that Petitioner charges:

5. The facts in paragraphs C and C.2 and/or D and D.1.

DATED: *June 1*, 1998  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct