



STATE OF NEW YORK
DEPARTMENT OF HEALTH

file

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Paula Wilson
Executive Deputy Commissioner

June 8, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Peter P. Pisnanont, M.D.
94 Vivian Avenue
Emerson, New Jersey 07630

James K. Stern, Esq.
Schiavetti, Geisler, Corgan,
Soscia, DeVito, Gabriele
and Nicholson

David W. Smith, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

1633 Broadway
New York, New York 10019

RE: In the Matter of Peter Pisnanont, M.D.

Dear Dr. Pisnanont, Mr. Stern and Mr. Smith:

Enclosed please find the Determination and Order (No. BPMC-93-83) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must than be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower -Room 2503
Empire State Plaza
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Very truly yours,

Tyrone T. Butler, nam

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

_____ X
IN THE MATTER : HEARING
OF : COMMITTEE'S
PETER PISNANONT, M.D. : DETERMINATION
: AND ORDER
: NO. BPMC-93-83
_____ X

IRWIN J. COHEN, M.D., Chairperson, PASQUALE A.

CARONE, M.D. and CAROLYN C. SNIPE duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to §230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to §230(10)(e) and §230(12) of the Public Health Law. Jane B. Levin, Esq., Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

SUMMARY OF THE PROCEEDINGS

Notice of Hearing dated:	March 9, 1993
Statement of Charges dated:	March 9, 1993
Pre-Hearing conference:	April 16, 1993
Hearing date:	April 22, 1993
Deliberation date:	April 22, 1993
Place of hearing:	NYS Department of Health 5 Penn Plaza New York, New York
Petitioner appeared by:	Peter J. Millock, Esq. General Counsel NYS Department of Health BY: David W. Smith, Esq. Associate Counsel

Respondent appeared by:

Schiavetti, Geisler,
Corgan, Soscia, DeVito,
Gabriele and Nicholson
1633 Broadway
New York, New York 10019
BY: James K. Stern, Esq.

Respondent and Petitioner waived written post-hearing submissions.

WITNESSES

For the Petitioner:

NONE

For the Respondent:

Peter Pisnanont, M.D. (Respondent)

MOTIONS

April 22, 1993: Motion by the Petitioner to withdraw factual allegation B.2. in the Statement of Charges was **GRANTED.**

STATEMENT OF CHARGES

The Statement of Charges essentially charges the Respondent with practicing the profession fraudulently by reason of his submission of forged documents as part of his applications for employment at Flushing Hospital Center and at Catholic Medical Center of Brooklyn and Queens, and by writing prescriptions for Valium in the name of a patient and using the Valium himself. The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part hereof as Appendix I.

FINDINGS OF FACT

Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

GENERAL FINDINGS

Petitioner and Respondent stipulated as to the facts as follows.

1. Peter Pisananont, M.D., the Respondent, was authorized to practice medicine in New York State on January 23, 1973 by the issuance of license number 115032 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine through December 31, 1994.¹

2. During 1991, Respondent made application (Pet.'s Ex. 5) as a House Physician to Flushing Hospital Center (FHC), 45th Avenue at Parsons Boulevard, Flushing, New York 11355.

3. As part of the application, the Respondent submitted a statement attesting to his personal health. Although the facts

¹ The Statement of Charges erroneously stated that Dr. Pisananont was not currently registered. However, at the hearing, Dr. Pisananont stated that he was currently registered. A copy of Dr. Pisananont's current registration, accompanied by a sworn statement that same was an exact copy, was submitted to the Hearing Committee the day after the hearing and is deemed to be a part of the Record herein.

attested to were true, Respondent knowingly signed another physician's name to the statement (Pet.'s Ex. 5).

4. In or about September 1991, Respondent tested positive for benzodiazepenes (Pet.'s Ex. 5) during an employee drug test given by FHC. Thereafter, Respondent knowingly submitted a forged, untrue letter from a psychiatrist indicating that Respondent was under the care of such psychiatrist and had been taking small amounts of Valium (Pet.'s Ex. 5).

5. In or about the Spring of 1991, Respondent submitted an application as a House Physician to Catholic Medical Center of Brooklyn and Queens, Inc. (CMC), 88-25 153rd Street, Jamaica, New York 11432 (Pet.'s Ex. 6).

6. As part of such application, Respondent knowingly signed the name of another physician, Dr. E. B. Mejia, to an unsigned copy of a letter of recommendation previously written by Dr. Mejia (Pet.'s Ex. 6) and submitted the letter.

7. From in or about April through September 1991, Respondent wrote prescriptions for Valium in the name of one of his patients. In fact, Respondent intended to and did use the Valium for himself.

CONCLUSIONS

1. The Respondent practiced the profession fraudulently in violation of N.Y. Education Law §6530(2) (McKinney Supp. 1992).

VOTE OF THE HEARING COMMITTEE

All votes were unanimous.

FIRST THROUGH THIRD SPECIFICATIONS:

Practicing the profession fraudulently

SUSTAINED as to Paragraphs A; A1, only with respect to those portions of the allegation regarding the forging of a signature; A2; B; B1, only with respect to those portions of the allegation regarding the forging of a signature; and C.

NOT SUSTAINED as to Paragraphs A1 and B1, with respect to those portions of these allegations which state that the statements contained in the documents were untrue.

DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY

The Hearing Committee notes that prior to the incidents alleged herein, the Respondent has had an unblemished medical career of 20 years. Further, none of the alleged and admitted acts of the Respondent impinged on patient care. Rather, the Respondent's problems stem from the stress associated with unexpected adverse changes to his medical career, which were not attributable to any fault of the Respondent, coupled with marital difficulties.

After having heard the recommendations by the Petitioner

and the Respondent for the degree of discipline, and after giving due consideration to the nature and severity of the facts admitted to by the Respondent, the Hearing Committee unanimously determines that Respondent's license to practice medicine in the State of New York should be suspended for a period of one year, which suspension shall be stayed. In addition, Respondent shall continue to remain actively involved with the Committee for Physician's Health (CPH) for evaluation and treatment for a period of time as shall be determined by CPH.

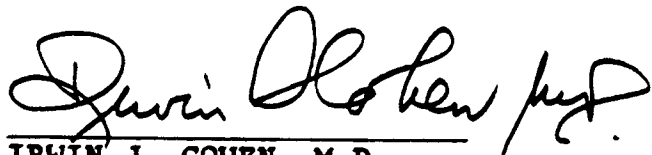
ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. Respondent's license to practice medicine in the State of New York is hereby suspended for a period of one year, which suspension shall be **stayed** in its entirety.
2. Respondent shall continue to be counseled by the Committee on Physician's Health, for evaluation and treatment for a period of time as shall be determined by the Committee on Physician's Health.

DATED: New York, New York

June 1, 1993


IRWIN J. COHEN, M.D.

**PASQUALE A. CARONE, M.D.
CAROLYN C. SNIPE**

TO:

Peter P. Pisnanont, M.D.
94 Vivian Avenue
Emerson, New Jersey 07630

James K. Stern, Esq.
Schiavetti, Geisler, Corgan, Soscia,
DeVito, Gabriele and Nicholson
1633 Broadway
New York, New York 10019

David W. Smith, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

APPENDIX I

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

-----X

IN THE MATTER : STATEMENT
OF : OF
PETER PISNANONT, M.D. : CHARGES

-----X

PETER PISNANONT, M.D., the Respondent, was authorized to practice medicine in New York State on January 23, 1973 by the issuance of license number 115032 by the New York State Education Department. He is not currently registered to practice in New York State.

FACTUAL ALLEGATIONS

- A. During 1991, Respondent made application as a House Physician to Flushing Hospital Center, 45th Avenue at Parsons Boulevard, Flushing, New York, 11355. (FHC)
1. As part of such application, Respondent knowingly submitted a forged, untrue statement attesting to his personal health.

2. In or about September, 1991, Respondent tested positive for benzodiazepenes during an employee drug test given by FHC. Thereafter, Respondent knowingly submitted a forged untrue letter from a psychiatrist indicating that Respondent was under the care of such psychiatrist and had been taking small amounts of Valium.
- B. In or about the Spring of 1991, Respondent submitted an application as a House Physician to Catholic Medical Center of Brooklyn and Queens, Inc. (CMC) 88-25 153rd Street, Jamaica, New York 11432.
1. As part of such application, Respondent knowingly forged an untrue letter of recommendation from another physician.
 2. Respondent knowingly failed to disclose to CMC that FHC had turned down his application because of forged documents.
- C. From in or about April through September, 1991, Respondent wrote prescriptions for Valium in the name of one of his patients. In fact, Respondent intended to and did use the Valium for himself.

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

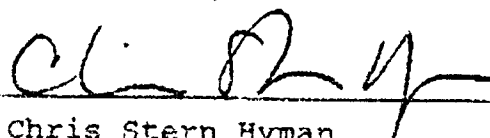
PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently in violation of N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in Paragraphs A and A1-2.
2. The facts in Paragraphs B and B1-2.
3. The facts in Paragraph C.

DATED: New York, New York

March 9, 1993



Chris Stern Hyman
Counsel
Bureau of Professional
Medical
Conduct