



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

May 7, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Demostene Romanucci, M.D.
10 Forts Ferry Road
PO Box 88
Latham, New York 12110

RE: License No. 083835

Dear Dr. Romanucci:

Enclosed please find Order #BPMC 97-103 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
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: Forrest Case, Esq.
Carter, Conboy, Bardwell, Case, Blackmore & Napierski
20 Corporate Woods Boulevard
Albany, New York 12211

Cindy M. Fascia, Esq.

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

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IN THE MATTER	:	CONSENT
OF	:	AGREEMENT
DEMOSTENE ROMANUCCI, M.D.	:	AND ORDER
	:	BPMC #97-103

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DEMOSTENE ROMANUCCI, M.D., says:

On or about February 29, 1960, I was licensed to practice as a physician in the State of New York, having been issued license number 083835 by the New York State Education Department.

I understand that I have been charged with eight specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the charges against me.

I hereby agree to the following penalty:

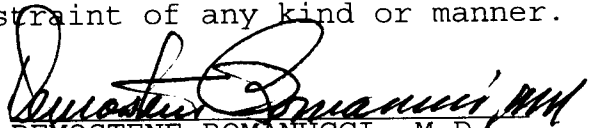
My license to practice medicine will be permanently limited. Pursuant to this limitation, I will no longer provide any medical care or treatment to patients, nor will I perform any surgical procedures on patients.

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 understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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


DEMOSTENE ROMANUCCI, M.D.
RESPONDENT

Subscribed before me this

18th day of April, 1997.


NOTARY PUBLIC

ANDREA P. CUNNINGHAM
Notary Public, State of New York
No. 002800009
Qualified in Albany County
Commission Expires August 27, 99

AGREED TO:

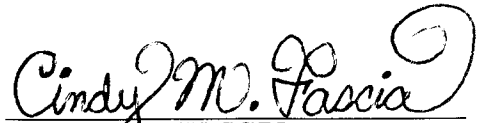
DATE:



FORREST CASE, ESQ.
Attorney for Respondent

DATE:

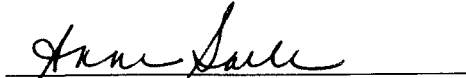
April 22, 1997



CINDY M. FASCIA
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE:

April 28, 1997



ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of DEMOSTENE ROMANUCCI, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof 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 Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED: 30 April 1997



PATRICK F. CARONE, M.D., M.P.H.
Chair
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
DEMOSTENE ROMANUCCI, M.D. : CHARGES

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DEMOSTENE ROMANUCCI, M.D., the Respondent, was authorized to practice medicine in New York State on February 29, 1960 by the issuance of license number 083835 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine in New York State, with a registration address of 10 Forts Ferry Road, P.O. Box 88, Latham, New York 12110.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A (patients are identified in Appendix) from on or about August 26, 1991 through on or about September 7, 1991 at Albany Memorial Hospital, including performing a laparoscopic cholecystectomy on August 26, 1991 and an exploratory laparotomy on September 1, 1991.
1. Respondent failed to convert the laparoscopic cholecystectomy to an open procedure.
 2. Respondent, during the course of the laparoscopic cholecystectomy he performed on Patient A:

- (a) failed to properly identify the anatomic structures within the porta hepatis.
 - (b) resected the hepatic artery.
 - (c) resected the extra hepatic biliary tree.
3. Respondent, following the laparoscopic cholecystectomy he performed on Patient A, failed to adequately and/or timely assess the cause of Patient A's post-operative problems.
4. Respondent, on or about September 1, 1991, performed an exploratory laparotomy on Patient A. Respondent, with regard to this procedure:
- (a) failed to adequately assess and/or order appropriate studies to assess the status of Patient A's biliary tree prior to performing the procedure.
 - (b) failed to properly identify and/or assess the anatomic structures during the procedure.
 - (c) failed to perform a cholangiogram and/or cholangiography.
 - (d) failed to adequately assess the anatomic continuity of the extra hepatic biliary tree.
5. Respondent failed to adequately and/or timely assess the cause of Patient A's post-operative problems prior to discharging Patient A from Albany Memorial Hospital on or about September 7, 1991.

B. Respondent performed a hemorrhoidectomy on Patient B at Century Same Day Surgery, Latham, New York on or about July 17, 1992. Respondent thereafter provided medical care to Patient B at Albany Memorial Hospital from on or about July 17, 1992 through on or about July 22, 1992.

1. Respondent failed to make timely orders to evaluate and/or address Patient B's anemia.
2. Respondent failed to order and/or perform a timely and/or adequate examination after Patient B presented at Albany Memorial Hospital and/or to ascertain that an adequate examination was performed by other medical personnel in Respondent's absence.

C. Respondent provided medical care to Patient C from on or about June 27, 1990 through on or about July 2, 1990 at Albany Memorial Hospital.

1. Respondent failed to appropriately manage and/or treat Patient C's perforated viscus.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with practicing medicine with gross negligence in violation of New York Education Law §6530(4), in that Petitioner charges:

1. The facts in paragraphs A and A.1 and/or A.2(a) and/or A.2(b) and/or A.2(c) and/or A.3 and/or A.4(a) and/or A.4(b) and/or A.4(c) and/or A.4(d) and/or A.5.
2. The facts in paragraphs B and B.1 and/or B.2.
3. The facts in paragraphs C and C.1.

FOURTH THROUGH SIXTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with practicing medicine with gross incompetence in violation of New York Education Law §6530(6), in that Petitioner charges:

4. The facts in paragraphs A and A.1 and/or A.2(a) and/or A.2(b) and/or A.2(c) and/or A.3 and/or A.4(a) and/or A.4(b) and/or A.4(c) and/or A.4(d) and/or A.5.

5. The facts in paragraphs B and B.1 and/or B.2.

6. The facts in paragraphs C and C.1.

SEVENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing medicine with negligence on more than one occasion in violation of New York Education Law §6530(3), in that Petitioner charges two or more of the following:

7. The facts in paragraphs A and A.1 and/or A.2(a) and/or A.2(b) and/or A.2(c) and/or A.3 and/or A.4(a) and/or A.4(b) and/or A.4(c) and/or A.4(d) and/or A.5 and/or B and B.1 and/or B.2 and/or C and C.1.

EIGHTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5), in that Petitioner charges:

8. The facts in paragraphs A and A.1 and/or A.2(a) and/or A.2(b) and/or A.2(c) and/or A.3 and/or A.4(a) and/or A.4(b) and/or A.4(c) and/or A.4(d) and/or A.5 and/or B and B.1 and/or B.2 and/or C and C.1.

DATED: *April 1*, 1997
Albany, New York

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