

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y.

OFFICE OF PROFESSIONAL DISCIPLINE
622 THIRD AVENUE, NEW YORK, NEW YORK 10017-6756

June 9, 1989

Peter J. Sarosi, Physician
430 East 86th Street
New York, N.Y. 10028

Re: License No. 136751

Dear Dr. Sarosi:

Enclosed please find Commissioner's Order No. 9557. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAD/mn
Enclosures

CERTIFIED MAIL- RRR

cc: Seymour Glanzer, Esq.
598 Madison Avenue
New York, N.Y. 10022

RECEIVED

JUN 13 1989

OFFICE OF PROFESSIONAL
MEDICAL CONDUCT



EFFECTIVE
DATE OF
ORDER
IS
5/11/90
SERVED
IN
PERSON

The University of the State of New York

IN THE MATTER

OF

PETER J. SAROSI
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 9557

Upon the record herein, under Calendar No. 9557, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (April 27, 1990): That, in the matter of PETER J. SAROSI, respondent, the matter having been remitted to the Board of Regents by the Appellate Division, Third Department for further proceedings with respect to the penalty to be imposed not inconsistent with the Court's determination, based upon the record, the recommendation of the Regents Review Committee as to the penalty to be imposed is accepted, and respondent's license to practice as a physician in the State of New York be suspended for three years upon the professional misconduct charge herein, of which respondent is guilty, by a preponderance of the evidence; that execution of the last 30 months of said suspension be stayed at which time respondent be placed on probation for those 30 months under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

PETER J. SAROSI (9557)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State
of New York, for and on behalf of the
State Education Department and the Board
of Regents, do hereunto set my hand and
affix the seal of the State Education
Department, at the City of Albany, this
31st day of *May*, 1989.

Thomas Sobol

Commissioner of Education

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

PETER J. SAROSI

CALENDAR NO. 9557



The University of the State of New York

IN THE MATTER
of the
Disciplinary Proceeding
against

PETER J. SAROSI

No. 9557

who is currently licensed to practice as
a physician in the State of New York.

Report of the Regents Review Committee

PETER J. SAROSI, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On March 22, 1989 respondent did appear before us in person; and two attorneys, Seymour Glanzer, Esq., and Gregory Baruch, Esq., appeared before us to represent respondent. Roy Nemerson, Esq., represented the Department of Health.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in

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the State of New York by the New York State Education Department.

2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and in the record herein.

DETERMINATION AS TO GUILT

The charge, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence, and respondent is guilty thereof.

RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED

At the outset, we note that the criminal court in its 12 page decision carefully reviewed, analyzed, and set forth the various factors considered in determining the sentence imposed upon respondent. The court pointed out that it considered the nature of the crime and the surrounding circumstances as well as respondent's character, personal habits, education, social history, employment history, economic status, family situation, and the impact of the crime on its victims.

We acknowledge our use, without continuous specific quotation marks, of the court's decision which clearly addressed the factors it considered.

During the month of June, 1986, the mother of a 17-year-old unmarried daughter surmised that her daughter was pregnant and, after a physician's examination, was informed that her daughter

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was not only in an advanced state of pregnancy but was, in fact, ready to deliver. This information upset both mother and daughter. The examining physician immediately suggested to them that the baby be placed out for adoption after delivery and convinced them that this was the best solution for them and the baby. Further, the examining physician indicated that she would send them to respondent, a friend and obstetrician. On June 21, 1986, the examining physician called respondent and told him about the pregnancy and the desire of both mother and daughter to have the baby delivered and placed out for adoption as discreetly as possible. Respondent agreed to see the daughter and, after examining her, determined that she would give birth that same day.

Respondent indicated to the mother and daughter, when they appeared distressed about the imminent birth, that he would arrange for adoption by Joel Steinberg, his attorney, and Hedda Nussbaum and that the prospective adoptive parents were, quoting the criminal court, "a 'wonderful couple' who would give the baby a wonderful life."

The examining physician told respondent she wanted the baby adopted by an infertile couple who were her patients. Respondent indicated that Joel Steinberg and Hedda Nussbaum were infertile patients under his treatment and that he wanted them to have the child. The baby, a healthy boy, was born shortly thereafter and remained in the hospital an extra day after the discharge of the

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daughter. Respondent gave the telephone number of an attorney to the daughter's mother and said that this attorney would handle legal arrangements for the adoption. Thereafter, respondent did nothing further to arrange for an authorized agency, as that term is defined in Section 371(10) of the New York Social Services Law, to investigate the adoptive parents or to place out the child for adoption.

On June 23, 1986 the daughter's mother met respondent's partner at the hospital; and the baby was formally discharged in the custody of the daughter's mother who surrendered the daughter's baby to respondent's partner who, in turn, delivered the baby to the Steinberg home. No formal adoption papers were ever prepared except those surrendering the maternal rights of the daughter.

Respondent did not seek nor receive a fee for placement of the child; but the Legislature has criminalized the placing out by unauthorized people of children for adoption even though they do not receive fees for their services.

On May 31, 1988, almost two years later, respondent was arrested for, charged with, and pled guilty to the unclassified misdemeanor of Unlawfully Placing Out a Child for Adoption, in violation of the New York Social Services Law. Respondent admitted that between June 21, 1986 and June 23, 1986 he arranged

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for the unlawful placement of the baby boy for adoption by Joel Steinberg and Hedda Nussbaum.

A member of the American College of Obstetrics and Gynecology, respondent is board-certified in both obstetrics/gynecology and reproductive endocrinology. He is an Assistant Clinical Professor at the Mount Sinai School of Medicine and an attending physician at both Beth Israel and Bellevue Hospitals.

Respondent has delivered thousands of babies in his private practice and, as indicated by the criminal court, is a respected physician. Nonetheless, he had a serious lapse of judgment and violated state law in June, 1986. He failed to refer the mother and daughter to an authorized agency. Instead, he arranged for the unlawful placement of the baby with Joel Steinberg, with whom he had a multifaceted relationship, including professional, personal and business associations, and with Hedda Nussbaum. Joel Steinberg was respondent's personal attorney and financial advisor with power of attorney to assume primary control over large sums of respondent's money. Respondent was insensitive to both a real conflict of interest and the appearance of a conflict of interest.

Leaving civil and licensure questions for determination by the appropriate forums, the criminal court considered all circumstances and sentenced respondent to three years of

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supervised probation, with 100 hours of community service in a specified youth program, and a fine of \$1,000.

The members of this Committee are faced with a case of first impression. In that regard, we are aware, as was the criminal court, of this State's public policy to insure that a child is placed out for adoption only after a thorough investigation of the fitness of the adoptive parents. We are also aware, as was the court, of the value of this disciplinary proceeding as a means of alerting the medical profession to comply with state law and to avoid similar violations of Sections 374(2) and 389 of the New York Social Services Law.

As to the appropriate measure of discipline, we unanimously recommend to the Board of Regents that respondent's license to practice as a physician in the State of New York be suspended for three years upon the professional misconduct charge herein, of which we determine respondent to be guilty, and that execution of the last 30 months of said suspension be stayed at which time respondent be placed on probation for those 30 months under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

In arriving at our recommendation as to the penalty to be imposed upon respondent, we have considered all of the circumstances herein, including the criminal sentence imposed upon respondent under which he must render 100 hours of community service, his prior unblemished record, and the probation

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terms we are recommending, which include compliance with the probation imposed by the criminal court, as well as respondent being absolutely prohibited from involvement with any adoptions during the entire period of probation.

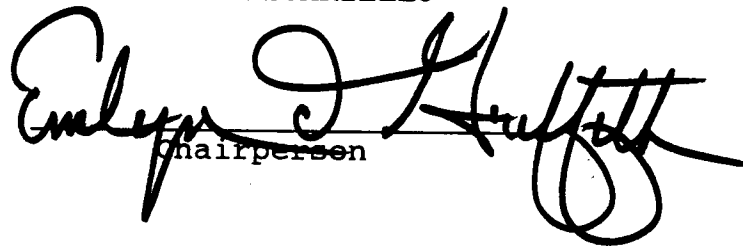
Our recommendation to the Board of Regents as to the penalty to be imposed serves, in our opinion, to protect the public, through imposition of an actual suspension for a period of six months followed by a probationary period during which respondent must comply with the criminal probation and will be prevented from committing similar misconduct. The recommended penalty will also provide respondent with an opportunity to demonstrate rehabilitation during the period of probation.

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: April 18, 1989

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

-----X

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

-----X

The Office of Professional Medical Conduct alleges as follows:

1. PETER J. SAROSI, M.D., herein called the Respondent, was authorized to practice the profession of medicine in the State of New York on October 10, 1978 by the issuance of license number 136751 by the New York State Education Department.

2. Respondent is registered with the New York State Education Department to practice medicine at 88 University Place; New York, New York 10003-4513, for the period beginning January 1, 1989, and ending December 31, 1991.

3. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509 (McKinney 1985).

SPECIFICATION

4. Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(a)(i) (McKinney 1985) by having been convicted of committing an act constituting a crime under New York State Law, in that:

On May 31, 1988 Respondent pleaded guilty to the unclassified misdemeanor of Unlawfully Placing Out a Child for Adoption in violation of Sections 374(2) and 389 of the New York Social Services Law.

Respondent was sentenced to a period of three years probation supervision, with the special condition that he do one hundred hours of community service. He was further sentenced to the maximum fine allowable by law, \$1,000.

DATED: New York, New York

February 17 1989



Roy Nemerson
Associate Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

PETER J. SAROSI

CALENDAR NO. 9557

1. That respondent, during the period of probation, at respondent's expense, shall have respondent's practice monitored, with respondent absolutely prohibited from involvement with any adoptions, said monitoring to be for the purpose of insuring respondent's aforesaid absolute prohibition from involvement with any adoptions, as follows:
 - a. That said monitoring shall be by a physician selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
 - b. That respondent shall be subject to a random selection and review by said monitor of respondent's patient records in regard to respondent's practice, and respondent shall also be required to make such records available to said monitor at any time requested by said monitor; and
 - c. That said monitor shall submit a report, once every three months, regarding the above-mentioned monitoring of respondent's practice to the Director of the Office of Professional Medical Conduct.
2. That respondent shall be subject to the requirement that respondent make visits, once every three months during the period of probation, to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless employee agrees otherwise, for the purpose of determining whether respondent is in compliance and eventually has successfully complied with all the provisions of probation imposed upon respondent by the Court in the criminal case and respondent must be in compliance with those provisions in order to be in compliance with this term of probation; and
3. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding.

Approved May 19, 1989

No. 9557

Upon the report of the Regents Review Committee, the record herein, under Calendar No. 9557, and in accordance with the provisions of Title VIII of the Education Law, it was

Voted:* That the report, findings of fact and determination as to guilt rendered by the Regents Review Committee in the matter of PETER J. SAROSI, respondent, be accepted; that the recommendation of the Regents Review Committee as to the penalty to be imposed not be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that, based upon a more serious view of respondent's misconduct, respondent's license and registration to practice as a physician in the State of New York be revoked; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote.

;

*Regent Emlyn I. Griffith dissented on the ground that he favored the suspension recommended by the Regents Review Committee.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

PETER J. SAROSI

CALENDAR NO. 9557



The University of the State of New York

IN THE MATTER

OF

PETER J. SAROSI
(Physician)

DUPLICATE
ORIGINAL ORDER
NO. 9557

Upon the report of the Regents Review Committee, under Calendar No. 9557, the record herein, the vote of the Board of Regents on May 19, 1989, and in accordance with the provisions of Title VIII of the Education Law, which report and vote are incorporated herein and made a part hereof, it is

ORDERED that the report, findings of fact and determination as to guilt rendered by the Regents Review Committee in the matter of PETER J. SAROSI, respondent, be accepted; that the recommendation of the Regents Review Committee as to the penalty to be imposed not be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that, based upon a more serious view of respondent's misconduct, respondent's license and registration to practice as a physician in the State of New York be revoked; and that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of this order, but said application shall not be granted automatically.

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and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 4th day of

May, 1990.

Thomas Sobol
Commissioner of Education