



New York State Board for Professional Medical Conduct

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Executive Secretary

August 11, 2000

Robert Bentley, Director
Division of Professional Licensing
NYS Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

**RE: Modification of Consent Order
BPMC No. 99-244**

Dear Mr. Bentley:

Enclosed please find a **Modification of Consent Order BPMC No. 99-244** for Dominick Trivisonno, M.D. A meeting of a Committee of the Board for Professional Medical Conduct was held on July 6, 2000. The Committee ordered that the suspension of Dr. Trivisonno's medical license No. 173465, be lifted and that his license be restored effective **August 11, 2000** subject to the conditions contained in the Order.

Dr. Trivisonno's license had been temporarily surrendered pursuant to Public Health Law 230 (13) and he was subsequently the subject of a disciplinary action resulting in Consent Order 99-244.

If you have any questions, please contact Roberta Curran at (518) 402-0845.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

IN THE MATTER

MODIFICATION

OF

OF

DOMINICK TRIVISONNO, M.D.

CONSENT ORDER

This matter was brought to the New York State Board for Professional Medical Conduct for decision at the request of Dominick Trivisonno, M.D., (Petitioner), License No. 173465. Petitioner entered into a Consent Order effective September 23, 1999. The Order suspended Dr. Trivisonno's license to practice medicine for an indefinite period of no less than six months. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for the active practice of medicine and that he is both fit and competent to practice as a physician.

A meeting of the Committee was held in the above-entitled proceeding on July 6, 2000. Petitioner appeared with his attorney, Sharif Mahdavian, Esq. before a Committee of the State Board for Professional Medical Conduct consisting of Mary Patricia Meagher, Chair, David Lyon, M.D. and Hong Chul Yoon, M.D. The Committee determined after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that by unanimous decision, the suspension of Dr. Trivisonno's license to practice medicine shall be stayed and he shall be allowed to practice medicine subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's practice of medicine is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

Petitioner may not commence the practice of medicine until all proposed monitors have been approved by the Office of Professional Medical Conduct.

1. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of Petitioner's history. Petitioner shall not self-prescribe any medications. Petitioner shall not treat or prescribe medications for any family member.

2. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of the Office of Professional Medical Conduct (OPMC). The Sobriety Monitor is to be familiar with Petitioner's history of the abuse of Hydrocodone cough syrup and Lortab and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, supervised, unannounced blood, breath and/or urine tests for the presence of alcohol and other drugs in Petitioner. Petitioner's drugs of choice including Hydrocodone and Lortab

must be specifically tested. Petitioner shall be screened six (6) times per month for the first year of practice. The petitioner shall be called on a seven day a week basis. After the first year of practice, specimens shall be collected at the discretion of the monitor at a frequency to be approved by the Director of OPMC.

- b. The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.
- c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the monitor otherwise learns, the Petitioner is not alcohol/drug free.
- d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.
- e. Petitioner shall report to the Sobriety Monitor within four (4) hours of being contacted by the Sobriety Monitor to submit a blood, breath and/or urine test.
- f. Petitioner shall avoid all substances which may cause positive results such as poppy seeds/mouthwash/cough medication. Any positive result will be considered a violation of this Order.
- g. If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or

more, Petitioner shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by the OPMC.

3. Petitioner shall be limited to working a total of twenty (20) hours per week during the first six (6) months of the Order. Petitioner shall not assume any night, weekend or holiday assignments for the first six (6) months of the Order. After the initial six (6) month period, if Petitioner wants to increase his work hours and/or assume night, weekend or holiday assignments, a written proposal must be submitted to the Director of OPMC for approval.

4. Petitioner shall be supervised in medical practice by a licensed physician (Practice Supervisor) proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor is to be familiar with Petitioner's history of the abuse of Hydrocodone cough syrup and Lortab and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of Petitioner's becoming aware that Petitioner's approved Practice Supervisor is no longer willing or able to serve in that capacity.

a. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Petitioner's medical practice, any unexplained absences from work, and Petitioner's compliance or failure to comply with each condition described within this Order.

b. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner

may not be drug or alcohol free.

c. The Petitioner is prohibited from writing prescriptions for controlled substances. After two years, the Petitioner may petition the Director of OPMC, in writing, to have this restriction lifted.

d. The Petitioner shall not request an individual Drug Enforcement Administration (DEA) certificate number. After two years, the Petitioner may petition the Director of OPMC, in writing, for approval to have the restriction lifted regarding his individual DEA certificate number.

e. The Practice Supervisor shall report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

f. The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order.

5. Petitioner shall continue in treatment with a qualified health care professional (Therapist) proposed by Petitioner and approved in writing by the Director of OPMC. The therapist is to be familiar with the Petitioner's history of the abuse of Hydrocodone cough syrup and Lortab and the terms of this Order. Petitioner will continue in treatment with the Therapist for the duration of the Order, at a frequency of therapy visits to be decided by the Therapist. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that the approved Therapist is no longer willing or able to serve in that capacity.

- a. The Therapist shall submit a report to OPMC every three (3) months certifying compliance with treatment by Petitioner and describing in detail any failure to comply.
 - b. The Therapist shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.
 - c. The Director of OPMC shall reserve the authority to have the Petitioner undergo an independent evaluation every six (6) months by a practitioner approved by the Director of OPMC who specializes in chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of all previous treatment records and a copy of this Order. Reports of such evaluations shall be submitted promptly to the Director. Petitioner shall follow treatment recommendations made by the evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease the practice of medicine until it is determined he is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.
6. Petitioner shall continue participation in self-help fellowship (e.g., AA, NA, Caduceus, other). Petitioner shall establish and maintain an ongoing relationship with a sponsor.
 7. Petitioner shall inform all physicians or other health care practitioners from whom Petitioner seeks treatment of Petitioner's history of the abuse of Hydrocodone and Lortab. Should Petitioner be prescribed any controlled or mood altering substances, Petitioner shall notify the Sobriety Monitor and the Director of OPMC before such medications are administered.

8. Petitioner shall notify the Director of OPMC of any residential or practice address change as well as any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days.

9. The Director of OPMC shall reserve the right to conduct on-site review of Petitioner's office, office records, hospital practice and hospital records at least semi-annually.

10. Petitioner shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

11. Petitioner shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Petitioner's compliance with the terms of this Order. He shall personally meet with a person designated by the Director of OPMC as requested by the Director

12. Petitioner shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

13. Petitioner shall comply with all terms, conditions, restrictions and limitations to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any

such other proceeding against Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

DATE

7/31/00

Mary Patricia Meagher

Mary Patricia Meagher, Chair
State Board for Professional Medical Conduct