



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

April 1, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roman E. Trochym, M.D.
58 Devon Road
Bronxville, New York 10708

RE: License No. 101171
Effective Date: 4/6/93

Dear Dr. Trochym:

Enclosed please find Order #BPMC 93-48 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X

IN THE MATTER :
OF : ORDER
ROMAN TROCHYM, M.D. : BPMC 93-48

-----X

Upon the application of Roman Trochym, M.D.
(Respondent) for a Consent Order, which application is made a
part hereof, it is

ORDERED, that the application 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 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.

SO ORDERED,

DATED: 29 March 1993

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

and C1 through C4, and F and F1 through F5, and G and G1 through G5, in full satisfaction of the charges against me.


I hereby agree to the penalty of a three month suspension beginning immediately upon the service of this order, followed by supervised probation beginning when the suspension terminates and ending two years after the successful completion of the retraining program referred to in the Terms of Probation attached hereto as Exhibit B.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ROMAN TROCHYM, M.D.
RESPONDENT

Sworn to before me this
17th day of March, 1993.

Valentina Presko

NOTARY PUBLIC

NOTARY PUBLIC
New York
COMMISSION EXPIRES 10/31/93
OCT.

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

-----X
: APPLICATION
IN THE MATTER : FOR
OF : CONSENT
ROMAN TROCHYM, M.D. : ORDER
-----X

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

Date:

2/16/94

11. T. L. #42

ROMAN TROCHYM, M.D.
RESPONDENT

Date:

2/16/94

Jacobson & Goldberg by
AMY T. KULB
ATTORNEY FOR RESPONDENT *amy T. Kulb*

Date:

2/16/94

Denise Lepicier

DENISE LEPICIER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: March 31, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 29 March 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X
: IN THE MATTER :
: OF : NOTICE
: ROMAN E. TROCHYM, M.D. : OF
: HEARING
-----X

TO: ROMAN E. TROCHYM, M.D.
58 Devon Road
Bronxville, N.Y. 10708

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 280 (McKinney 1990 and Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 18th and 25th day of March, 1993 at 10:00 in the forenoon of that day at 5 Penn Plaza, Sixth Floor, New York, NY 10016 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce

witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the

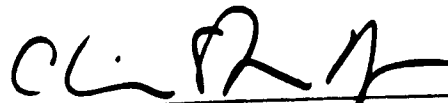
Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a (McKinney Supp. 1992). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York

January 21, 1993



CHRIS STERN HYMAN
Counsel

Inquiries should be directed to: Denise Lepicier
Assistant Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza
New York, New York 10001

Telephone No.: 212-613-2617

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ROMAN E. TROCHYM, M.D. : CHARGES
-----X

ROMAN E. TROCHYM, M.D., the Respondent, was authorized to practice medicine in New York State on May 22, 1968, by the issuance of license number 101171 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 January 1, 1991, through December 31, 1992, from 58 Devon Road, Bronxville, N.Y., 10708, and 131 Park Avenue, Yonkers, N.Y., 10703.

FACTUAL ALLEGATIONS

PATIENT A

- A. Respondent treated Patient A, a male whose birth date was on or about March 31, 1943, at his office at Boro Medical, P.C., 850 Bronx River Road, Yonkers, New York, from on or about July 22, 1986, through on or about January 13, 1987. (All patients are identified in the Appendix attached hereto.) On

or about January 13, 1987, Respondent prescribed Lomotil and Librium for Patient A. Respondent failed to record the prescriptions in Patient A's medical record.

PATIENT B

B. Respondent treated Patient B, a female whose birth date was on or about December 5, 1940, at his office at 131 Park Avenue, Yonkers, New York, from on or about April 11, 1979, to on or about March 28, 1989.

1. Respondent failed to take or note an adequate history.
2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms or diagnoses.
4. Respondent first provided a copy of Patient B's medical record to the Office of Professional

Medical Conduct (hereinafter OPMC) on or about April 20, 1989. Respondent provided another copy of Patient B's medical record to the OPMC on or about March 17, 1992. At some time between April 20, 1989, and March 17, 1992, Respondent significantly altered Patient B's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

PATIENT C

C. Respondent treated Patient C, a female whose birth date was on or about February 14, 1921, at his office at 131 Park Avenue, Yonkers, New York, from on or about September 13, 1980, to on or about January 5, 1989.

1. Respondent failed to take or note an adequate history.

2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms, diagnoses or hospital admissions.
4. Respondent first provided a copy of Patient C's medical record to the OPMC on or about April 20, 1989. Respondent provided another copy of Patient C's medical record to the OPMC on or about March 17, 1992. Respondent significantly altered Patient C's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

PATIENT D

- D. Respondent treated Patient D, a female whose birth date was not recorded in her medical record, at his office at 131 Park Avenue, Yonkers, New York, 10703, from on or about January 13, 1975, to on or about May 4, 1985.

1. Respondent failed to take or note an adequate history.
2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms or record diagnoses.
4. Respondent inappropriately prescribed Valium, Tuinal and Restoril for Patient D.

PATIENT E

E. Respondent treated Patient E, a twenty-six year old male in 1988, at his office at 131 Park Avenue, Yonkers, New York, from on or about May 31, 1988, to on or about January 2, 1990.

1. Respondent failed to take or note an adequate history.

2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms or record diagnoses.
4. At every visit between on or about May 31, 1988, and on or about December 30, 1988, Respondent inappropriately prescribed Didrex for Patient E.
5. Respondent first provided a copy of Patient E's medical record to the OPMC on or about April 20, 1989. Respondent provided another copy of Patient E's medical record to the OPMC on or about March 17, 1992. At some time between April 20, 1989, and March 17, 1992, Respondent significantly altered Patient E's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

PATIENT F

F. Respondent treated Patient F, a female whose birth date was not recorded in her medical record, at his office at 131 Park Avenue, Yonkers, New York, from on or about April 25, 1987, to on or about January 12, 1989.

1. Respondent failed to take or note an adequate history.
2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms or record diagnoses.
4. At every visit between on or about April 25, 1987, and on or about January 12, 1989, Respondent inappropriately prescribed Didrex for Patient F.
5. Respondent first provided a copy of Patient F's medical record to the OPMC on or about April

20, 1989. Respondent provided another copy of Patient F's medical record to the OPMC on or about March 17, 1992. At some time between April 20, 1989, and March 17, 1992, Respondent significantly altered Patient F's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

PATIENT G

- G. Respondent treated Patient G, a male whose birth date was not recorded in his medical record, at his office at 131 Park Avenue, Yonkers, New York, from on or about June 27, 1986, to on or about October 26, 1988.
1. Respondent failed to take or note an adequate history.
 2. Respondent failed to do or note adequate physical exams.

3. Respondent failed to note symptoms or record diagnoses.
4. Respondent prescribed medications and did not record the prescriptions in Patient G's medical record.
5. Respondent first provided a copy of Patient G's medical record to the OPMC on or about April 20, 1989. Respondent provided another copy of Patient G's medical record to the OPMC on or about March 17, 1992. At some time between April 20, 1989, and March 17, 1992, Respondent significantly altered Patient F's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

PATIENT H

- H. Respondent recorded two office visits for Patient H, a female whose birth date was not recorded in her medical record, at

his office at 131 Park Avenue, Yonkers, New York, from on or about October 1, 1988, to on or about October 21, 1988.

1. Respondent failed to take or note an adequate history.
2. Respondent failed to do or note adequate physical exams.
3. Respondent failed to note symptoms or record diagnoses.
4. Respondent inappropriately prescribed Didrex for Patient H.
5. Respondent intentionally recorded two prescriptions for Didrex in Patient H's medical record for two different office visits when, in fact, and as Respondent knew, Patient H made but one visit to him for treatment.
6. Respondent first provided a copy of Patient H's medical record to OPMC on or about April 20, 1989. Respondent provided another copy of

Patient H's medical record to the OPMC on or about March 17, 1992. At some time between April 20, 1989, and March 17, 1992, Respondent significantly altered Patient B's medical records. Respondent knowingly and intentionally submitted these altered records to the OPMC intending that they be relied on as a true, complete and accurate, contemporaneous record of the office visits recorded.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with negligence on more than one occasion, within the meaning of N.Y. Educ. Law Section 6530 (3) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in two or more of the following paragraphs: A; B and B1, B2 and/or B3; C and C1, C2 and/or C3; D and D1, D2, D3 and/or D4; E and E1, E2, E3 and/or E4, F and F1, F2, F3 and/or F4; G and G1, G2, G3 and/or G4; H and H1, H2, H3 and/or H4.

SECOND THROUGH NINTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with professional misconduct by reason of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, within the meaning of N.Y. Educ. Law Section 6530 (32) (McKinney Supp. 1992), in that Petitioner charges:

2. The facts in paragraph A.
3. The facts in paragraphs B, B1, B2, B3 and/or B4.
4. The facts in paragraphs C, C1, C2, C3 and/or C4.

5. The facts in paragraphs D, D1, D2 and/or D3.
6. The facts in paragraphs E, E1, E2, E3 and/or E5.
7. The facts in paragraphs F, F1, F2, F3 and/or F5.
8. The facts in paragraphs G, G1, G2, G3, G4 and/or G5.
9. The facts in paragraphs H, H1, H2, H3, H5 and/or H6.

TENTH SPECIFICATION

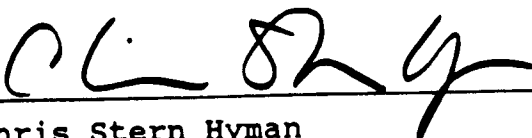
PRACTICING FRAUDULENTLY

Respondent is charged with professional misconduct by reason of practicing the profession of medicine fraudulently, within the meaning of N.Y. Educ. Law Section 6530 (2) (McKinney Supp. 1992), in that Petitioner charges:

10. The facts in paragraphs B and B4, C and C4, E and E5, F and F5, G and G5, H and H5 and/or H and H6.

DATED: New York, New York

January 21, 1993



Chris Stern Hyman
Counsel
Bureau of Professional
Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ROMAN TROCHYM, M.D., Respondent, during the period of probation, 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 imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent, within the three months of the actual suspension, shall complete the evaluation phase (Phase I) of the Physician Prescribed Educational Program (PPEP), Department of Family Medicine, 475 Irving Avenue -200, Syracuse, N.Y. 13210. Dr. William D. Grant, Director of the PPEP, shall inform Kathleen M. Tanner, Director of the Office of Professional Medical Conduct (OPMC), of

Respondent's satisfactory completion of the evaluation phase of the program and of the results of Respondent's evaluation.

6. Within six months of the conclusion of the period of actual suspension, Respondent shall apply for and enroll in the reeducation phase (Phase II) of the PPEP in Syracuse for completion of a course of retraining consistent with the findings made in the evaluative phase. Respondent shall remain enrolled and shall fully participate in the retraining program for a period of not less than four months and shall successfully complete Phase II
7. Respondent shall successfully complete Phase II of the PPEP in Syracuse within two years of the start of his participation in the evaluation phase of the program. Failure of the Respondent to be accepted into or to successfully complete Phase II of the PPEP will be deemed a violation of probation.
8. During the retraining phase, the preceptor assigned to Respondent:
 - a. Shall submit monthly reports to OPMC certifying that Respondent is fully participating in the retraining program;
 - b. Shall promptly report to OPMC any significant pattern of absences by Respondent;
 - c. Shall immediately report to OPMC if Respondent withdraws from the program;
 - d. Shall inform Kathleen M. Tanner, Director of the Office of Professional Medical Conduct (OPMC), of the results of the Respondent's reevaluation or reassessment at the completion of his retraining;
 - e. Shall acknowledge in advance his/her willingness to comply with the above mentioned reporting by executing the acknowledgement provided by OPMC;
9. During the period of probation, Respondent's practice shall be monitored by a licensed physician who shall review Respondent's professional performance and practice, and who:
 - a. Shall be selected by the Respondent, subject to the approval of the Director of OPMC;
 - b. Shall be familiar with the terms of probation contained herein;

- c. Shall meet bi-weekly with the Respondent to discuss his private practice and review randomly selected office patient records and evaluate whether Respondent's care and treatment comport with generally accepted standards of medical practice;
 - d. Shall not be a personal friend, nor a relative, of Respondent;
 - e. Shall submit to OPMC monthly reports during the first twelve months of probation, and thereafter quarterly reports, regarding the quality of Respondent's medical practice and his compliance with the Terms of Probation.
 - f. Shall immediately report to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation.
 - g. Shall acknowledge his/her willingness to comply with the above mentioned monitoring and reporting by executing the acknowledgement provided by OPMC;
10. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
12. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.