



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

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NYS Department of Health

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Bureau of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 11, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Pirapiyon Torosdag, M.D.
458 Stillwell Avenue
Fort Lee, NJ 07024

RE: License No.: 135678

Dear Dr. Torosdag:

Enclosed please find Order #BPMC 95-176 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 18, 1999.**

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 to 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: Anthony M. Benigno, Esq.

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

IN THE MATTER	:	APPLICATION TO
OF	:	MODIFY ORDER
	:	and
PIRAPIYON TOROSDAG, M.D.	:	SURRENDER LICENSE
	:	BPMC # 95-176

PIRAPIYON TOROSDAG, M.D., the Respondent, states that I was authorized to practice medicine in New York State on or about September 1, 1978, by the issuance of License No. 135678 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice in the State of New York. My address is 458 Stillwell Avenue, Fort Lee, NJ 07024.

I am the subject to Order No. BPMC 95-176, annexed hereto, made a part hereof, and marked as Exhibit 1. I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification/Surrender Order"), modifying the original order and to surrender my license to practice medicine in the State of New York. This application to modify the prior order is based upon the fact that I do not intend to return to medical practice in the State of New York, and upon the understanding that this modification/surrender order will be a revision of the original order, with the surrender predicated upon the same matter as was the original order. The modification/surrender order to be issued will not constitute a new disciplinary action against me, but will substitute license surrender for the sanction imposed by the original order.

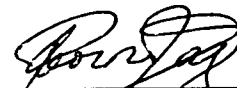
I make this application to the State Board for Professional Medical Conduct

(Board) and request that it be granted.

I understand that, in the event that the 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.

I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification/surrender order. I agree that, in the event the Board grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

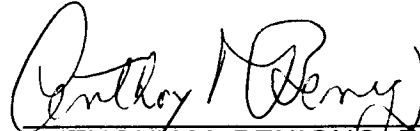
I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the Board's granting of this application modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification/surrender order.



PIRAPİYON TOROSDAG, M.D.
Respondent

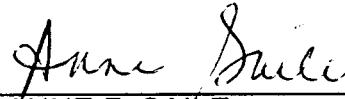
The undersigned agree to the attached application of the Respondent to modify the original order and to surrender his license to practice medicine in the State of New York.

Date: August 3, 1999



ANTHONY M. BENIGNO, ESQ.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Aug 3, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

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

IN THE MATTER : MODIFICATION/
OF : SURRENDER ORDER
PIRAPIYON TOROSDAG, M.D. : BMC #

Upon the application of PIRAPIYON TOROSDAG, M.D., (Respondent) to modify a prior order and to surrender her license as a physician in the State of New York, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are adopted; it is further

ORDERED, that Order BMC 95-176 is modified to replace the sanction imposed with the surrender of Respondent's license to practice medicine in the State of New York; it is further

ORDERED, that Respondent's name shall be stricken from the roll of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED

Dated: 8/5/99


WILLIAM P. DILLON, M.D.

Chairperson
State Board for Professional Medical Conduct

Exhibit 1

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

IN THE MATTER
OF
PIRAPIYON TOROSDAG, M.D.

APPLICATION
FOR
CONSENT ORDER

YORK
STATE OF NEW ~~JERSEY~~)
COUNTY OF NEW YORK) ss.:

PIRAPIYON TOROSDAG, M.D., being duly sworn, deposes and says:

That on or about September 1, 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 135678 by the New York State Education Department.

My current address is 458 Stillwell Avenue, Fort Lee, New Jersey 07024 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with eleven specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the fifth specification, only insofar as it refers to Paragraphs A and A1 and B and B1, in full satisfaction of the charges against me. I hereby agree to the penalty of two years suspension stayed with a two year period of probation on conditions specified in Exhibit "B", including the requirement

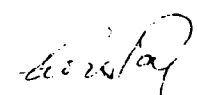
that I at all times when administering anesthesia with an endotracheal tube shall monitor the quantitative carbon dioxide content of expired gases through the use of end tidal carbon dioxide analysis. Said period of probation shall be tolled unless and until I am engaged in the active practice of anesthesiology.

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.

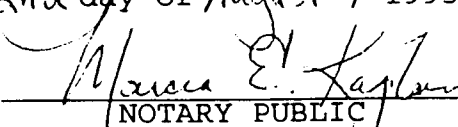
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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



PIRAPIYON TOROSDAG, M.D.
Respondent

Sworn to before me this
2nd day of August, 1995.



NOTARY PUBLIC

MARCIA E. KAPLAN
Notary Public, State of New York
No. 31-4786421
Qualified in New York County
Commission Expires November 30, 1995

**IN THE MATTER
OF
PIRAPIYON TOROSDAG, M.D.**

APPLICATION
FOR
CONSENT ORDER

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

DATE: 8-1-95

[Signature]
PIRAPIYON TOROSDAG, M.D.
Respondent

DATE: _____

[Signature]
Attorney for Respondent

DATE: 8-2-95

Paul Stein
PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Aug. 4th 1995

[Signature]
KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 9 August 1995

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

**IN THE MATTER
OF
PIRAPYON TOROSDAG, M.D.**

CONSENT

ORDER

BPMC #95-176

Upon the application of PIRAPYON TOROSDAG, M.D.
(Respondent) for 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: 9 August 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

In the Matter : STATEMENT
of : OF
PIRAPIYON TOROSDAG, M.D. : CHARGES

-----X

PIRAPIYON TOROSDAG, M.D., the Respondent, was authorized to practice medicine in New York State on September 1, 1978 by the issuance of license number 135678 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 14, 1989, Respondent administered general anesthesia through an endotracheal tube to Patient A (the patient is identified in Appendix A), a 47 year old female, in the operating room of The Brooklyn-Caledonian Hospital, 121 DeKalb Avenue, Brooklyn, New York, where she was scheduled to undergo a total abdominal hysterectomy, for treatment of a fibroid uterus. The surgical procedure was discontinued immediately following the skin incision because of Patient A's inadequate ventilation. Patient A went into cardiac arrest, was resuscitated, and was admitted to the intensive care unit with admitting diagnoses of anoxic encephalopathy, pulmonary edema, hypotension and respiratory failure. She again went into cardiac arrest and died the next morning.

1. Respondent failed to monitor the quantitative carbon dioxide content of expired gases of Patient A through the use of end-tidal carbon dioxide analysis (capnography).
2. Respondent failed to calibrate the capnograph transducer before administering general anesthesia through an endotracheal tube to Patient A.
3. Respondent failed to monitor Patient A's heart sounds and breathing sounds through the use of a precordial or esophageal stethoscope.
4. Respondent failed to adequately monitor Patient A's physiological condition, including, but not limited to, failing to adequately monitor Patient A's vital signs, oxygen saturation, and tidal volume.
5. Respondent failed to adequately ventilate Patient A.
6. Respondent failed to timely and appropriately detect an esophageal intubation, timely change the endotracheal tube, and timely reintubate Patient A.
7. Before Patient A's consent for anesthesia was obtained, Respondent failed to inform Patient A that general anesthesia would be administered to her through an

endotracheal tube without capnographic monitoring, and Respondent failed to inform Patient A of the risks involved in administering general anesthesia through an endotracheal tube without capnographic monitoring.

8. Respondent failed to keep an adequate anesthesia record for Patient A, including, but not limited to, failing to: document Patient A's oxygen saturation for 15 minutes after the alleged start of anesthesia; document Patient A's vital signs every 5 minutes; adequately document Patient A's tidal volume; adequately document Patient A's airway pressure; document that Patient A had kyphoscoliosis; and accurately and completely document the timeline of events regarding Patient A.

9. Respondent, intentionally, and with an intent to mislead, noted on Patient A's anesthesia record that end-tidal carbon dioxide monitoring had been employed, although she knew that it had not been employed.

B. On or about August 18, 1989, Respondent administered general anesthesia through an endotracheal tube to Patient B, an 83 year old female, in the operating room of The Brooklyn-Caledonian Hospital, 121 DeKalb Avenue, Brooklyn, New York, for an esophagoscopy and esophageal dilatation performed for treatment of a proximal esophageal stricture.

1. Respondent failed to monitor the quantitative carbon

dioxide content of expired gases of Patient B through the use of end-tidal carbon dioxide analysis (capnography).

2. Respondent failed to calibrate the capnograph transducer before administering general anesthesia through an endotracheal tube to Patient B.
3. Respondent failed to monitor Patient B's heart sounds and breathing sounds through the use of a precordial or esophageal stethoscope.
4. Before Patient B's consent for anesthesia was obtained, Respondent failed to inform Patient B that general anesthesia would be administered to her through an endotracheal tube without capnographic monitoring, and Respondent failed to inform Patient B of the risks involved in administering general anesthesia through an endotracheal tube without capnographic monitoring.
5. Respondent failed to keep an adequate anesthesia record for Patient B, including, but not limited to, failing to note the status of Patient B's removable dental bridge.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) (McKinney Supp. 1995) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraphs A and A1-8.
2. Paragraphs B and B1-5.

THIRD AND FOURTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6) (McKinney Supp. 1995) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

3. Paragraphs A and A1-8.
4. Paragraphs B and B1-5.

FIFTH SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) (McKinney Supp. 1995) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

5. Paragraphs A and A1-8 and/or B and B1-5.

SIXTH SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

6. Paragraphs A and A1-8 and/or B and B1-5.

SEVENTH SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2) (McKinney Supp. 1995) by practicing the profession fraudulently or beyond its authorized scope as alleged in the facts of the following:

7. Paragraphs A and A9.

EIGHTH AND NINTH SPECIFICATIONS

PERFORMING PROFESSIONAL SERVICES NOT DULY AUTHORIZED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(26) (McKinney Supp. 1995) by performing professional services which have not been duly authorized by the patient or his or her legal representative as alleged in the facts of the following:

8. Paragraphs A and A7.
9. Paragraphs B and B4.

TENTH AND ELEVENTH SPECIFICATIONS

FAILING TO MAINTAIN A RECORD

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the facts of the following:

10. Paragraphs A and A8.
11. Paragraphs B and B5.

DATED: New York, New York
 July , 1995

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. PIRAPIYON TOROSDAG, M.D., during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and 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, within 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 shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

7. Respondent at all times when administering anesthesia with an endotracheal tube shall monitor the quantitative carbon dioxide content of expired gases through the use of end tidal carbon dioxide analysis.
8. Respondent's anesthesia practice shall be monitored by a board-certified anesthesiologist chosen by Respondent and approved by the Director of the Office of Professional Medical Conduct. Respondent shall meet with this monitor at least quarterly, and Respondent shall provide to the monitor at each meeting 30 hospital records of patients to whom Respondent has provided care or treatment. The selection of records for review shall be based on criteria set by the monitor, and the monitor shall have the right to require the production of records in place of those provided originally by Respondent, if in the opinion of the monitor the ones originally provided are not a representative sample of Respondent's practice. The monitor shall provide quarterly reports to the Director of the Office of Professional Medical Conduct as to whether or not Respondent is cooperating with the monitoring requirement and whether or not the care and treatment provided by Respondent to her patients meets the standard of care of the medical community.
9. Respondent shall not practice anesthesiology until a monitor has been approved by the Director of the Office of Professional Medical Conduct.
10. 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.
11. The period of probation shall be tolled unless and until Respondent engages in the active practice of anesthesiology in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.