



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

November 13, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Oliverio Vega, M.D.
RD 1; P. O. Box 447
6778 Lake Road
Bath, New York 14810-9713

RE: License No. 129368

Dear Dr. Vega:

Effective Date: 11/20/95

Enclosed please find Order #BPMC 95-275 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 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Karen Carlson, Esq.

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

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IN THE MATTER :
OF : ORDER
OLIVERIO VEGA, M.D. : BPMC #95-275

-----x

Upon the application of Oliverio Vega, 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: 2 November 1975

Charles J. Vacanti

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

charges.

I hereby agree to the penalty of a Censure and Reprimand, five years probation with quarterly reporting to the Office for Professional Medical Conduct with quarterly monitoring of his practice and records, and continuing medical education of not less than 30 Category I Continuing Medical Education courses, per year, during the course of the probation term.

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.

Oliverio Vega

OLIVERIO VEGA, M.D.
RESPONDENT

Sworn to before me this

13th day of *October*

, 19*95*.

[Signature]
NOTARY PUBLIC

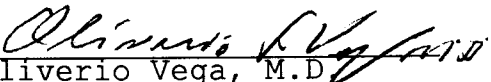
DANIEL P. GERWIG
Notary Public #4907785
Steuben County, New York
Comm. Exp. September 14, 1997

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
OLIVERIO VEGA, M.D. : CONSENT
: ORDER
-----X

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

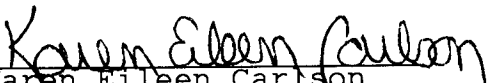
DATE: _____


Oliverio Vega, M.D.
Respondent

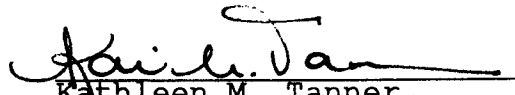
DATE: _____

N/A _____
Attorney for Respondent

DATE: 10/26/95

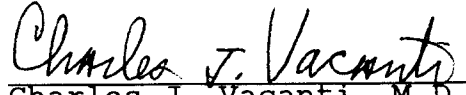

Karen Eileen Carlson
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: Oct. 30, 1995



Kathleen M. Tanner
Director
Office of Professional Medical
Conduct

DATE: 2 November 1995



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
OLIVERIO VEGA, M.D. : CHARGES

-----X

Oliverio Vega, M.D., the Respondent, was authorized to practice medicine in New York State on November 19, 1976 by the issuance of license number 129368 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1995, through October 31, 1996, with a registration address of R. D. 1, P.O. Box 447, 6778 Lake Road, Bath, New York, 14810-9713.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A [patients are identified in the Appendix], a 24 year old male who presented to the Ira Davenport Memorial Hospital with a leg fracture, from on or about August 26, 1990 until on or about September 6, 1990.
1. Respondent failed to adequately evaluate and/or treat Patient A for a possible pulmonary embolism.

Exhibit "A"

2. Respondent failed to maintain adequate records for Patient A.

B. Respondent provided medical care to Patient B an 86 year old male who presented to the Ira Davenport Memorial Hospital with bleeding from a leg ulcer, from on or about May 19, 1990 through until Patient B's death, on June 3, 1990.

1. Respondent failed to adequately evaluate and/or treat Patient B.

2. Respondent failed to perform a blood culture for sepsis.

3. Respondent failed to adequately investigate and/or document any investigation of incontinence and loose stools of Patient B and/or failed to perform and/or document a rectal exam.

4. Respondent inadequately prescribed Duricef.

5. Respondent failed to perform clotting parameters.

6. Respondent failed to maintain adequate records for Patient B.

C. Respondent provided medical care to Patient C, a 70 year old female who presented to the Ira Davenport Memorial Hospital with breathing difficulties, from on or about November 26, 1990 through on or about December 5, 1990.

1. Respondent failed to adequately evaluate and/or treat Patient C's hypoxia and labored breathing.
2. Respondent failed to test Patient C's serum theophylline levels in a timely manner.

D. Respondent provided medical care to Patient D, an 84 year old female who presented to the Ira Davenport Memorial Hospital with chest pain, from on or about October 12, 1990 through on or about October 21, 1990.

1. Respondent failed to adequately obtain and/or monitor electrolyte levels in Patient D.
2. Respondent failed to obtain a urine culture from Patient D.
3. Respondent failed to maintain adequate records for Patient D.

E. Respondent provided medical care to Patient E, a 76 year old female who presented to the Ira Davenport Memorial Hospital with chest pain, from on or about October 5, 1990 through on or about October 15, 1990.

1. Respondent failed to perform adequate monitoring of Patient E's congestive heart disease.
2. Respondent failed to adequately maintain records for Patient E.

F. Respondent provided medical care to Patient F, a 72 year old female who was admitted to the Ira Davenport Memorial Hospital with low potassium levels, from on or about June 7, 1990 through on or about June 13, 1990 and again from on or about June 14, 1990 through on or about June 16, 1990.

1. Respondent failed to adequately evaluate and/or treat Patient F.
2. Respondent failed to adequately maintain records for Patient F.

SPECIFICATIONS

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(3) (McKinney Supp. 1995) by reason of his having practiced the profession with negligence on more than one occasion in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A.1, A.2, B and B.1, B.2, B.3, B.4, B.5, C and C.1, C.2, D and D.1, D.2, E and E.1, and/or F and F.1.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(5) (McKinney Supp. 1995) by reason of his having practiced the profession with incompetence on more than one occasion in that Petitioner charges that Respondent committed two or more of the following:

2. The facts in Paragraphs A and A.1, A.2, B and B.1, B.2, B.3, B.4, B.5, C and C.1, C.2, D and D.1, D.2, E and E.1, and/or F and F.1.

THIRD THROUGH SEVENTH SPECIFICATIONS

INADEQUATE RECORD KEEPING

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges the following:

3. The facts in paragraphs A and A.3.
4. The facts in paragraphs B and B.6.
5. The facts in Paragraphs D and D.3.
6. The facts in Paragraphs E and E.2.
7. The facts in Paragraphs F and F.2.

DATED: *October 2, 1995*
Albany, New York

Peter D. Van Buren

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

EXHIBIT "B"

TERMS OF PROBATION

1. Oliverio Vega, M.D, 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. That 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, 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 shall submit to quarterly reporting with the Director of the Office of Professional Medical Conduct, or her designee, concerning his medical practice and his compliance with the terms of the probation. The reporting shall take place in whatever form required by the Director or her designee.
6. Respondent shall be monitored quarterly during the course of probation by a monitor approved of by the Office of

Professional Medical Conduct. The monitor shall submit quarterly reports concerning the records and practice of Respondent and shall provide information necessary for Respondent to comply with the terms of his probation.

7. Respondent shall complete not less than thirty hours in a Category I Continuing medical education course per year for each year Respondent remains on probation. Verification of such completion is to be provided to the Office of Professional Medical Conduct on a yearly basis in the form required by that office.
8. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
9. 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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
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.