



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

February 10, 2000

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Mehmet Yilmaz, M.D.  
1831 Carroll Avenue  
Merrick, NY 11566

RE: License No. 100786

Dear Dr. Yilmaz:

Enclosed please find Order #BPMC 00-41 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 10, 2000**.

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: Kevin Yilmaz, Esq.  
696 Willard Street  
North Bellmore, NY 11710

Daniel Guenzburger, Esq.

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

IN THE MATTER  
MEHMET YILMAZ, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #00-41

STATE OF NEW YORK )  
COUNTY OF NASSAU) so.:

MEHMET YILMAZ, M.D., (Respondent) being duly sworn, deposes and says:

That on or about February 7, 1968 I was licensed to practice as a physician in the State of New York, having been issued License No. 100786 by the New York State Education Department.

My current address is 1831 Carrol<sup>NY</sup> Avenue, Merrick, New York, 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 seven specifications of professional misconduct.

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

I agree not to contest the specifications of misconduct, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Probation pursuant to the terms annexed hereto as Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control, including patient records maintained by Respondent, upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 2000).

With the exception of treating and prescribing for the eight patients

identified in the annexed Exhibit C, I am currently and have been retired from the active practice of medicine since 1996. For the purpose of providing for the continuity of care to the patients identified in Exhibit C, I am request to continue treating the eight identified patients. I agree to maintain a medical record for each patient that accurately reflects my evaluation and treatment of the patient, including noting a chief complaint, relevant history, physical findings, any medications that I prescribe or treatment that I order, and upon written request, to make copies of the records available to the OPMC for review,.

Because of the passage of time since I retired from the active practice of medicine, in the event that I resume the active practice of medicine in an Article 28 facility under the terms of probation annexed hereto, I agree to undergo an assessment of my medical skills and competency at the Albany Medical Center Upstate Clinical Competency Center, or other such program approved by the OPMC.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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 value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 1/26/00

MEHMET YILMAZ, M.D.  
RESPONDENT


Sworn to before me  
on this 26<sup>th</sup> day of  
January 2000

[Signature]  
NOTARY


**KENAN M. YILMAZ**  
Notary Public, State of New York  
No. 02Y15064374  
Qualified in Nassau County  
Commission Expires August 19, 2000

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

DATE: 1/26/00

  
KEN YILMAZ, ESQ.  
Attorney for Respondent

DATE: 1/28/00

  
DANIEL GUENZBURGER  
ASSOCIATE COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 2/2/00

  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

IN THE MATTER  
OF  
MEHMET YILMAZ, M.D.

CONSENT  
ORDER


Upon the proposed agreement of MEHMET YILMAZ , M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/5/00

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

"EXHIBIT A"



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

IN THE MATTER  
OF  
MEHMET YILMAZ, M.D.

STATEMENT  
OF  
CHARGES

MEHMET YILMAZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 7, 1968, by the issuance of license number 100786 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about January 19, 1996, at the Mercy Medical Center, Rockville Centre, NY, Respondent administered general endotracheal anesthesia to Patient A, a 56 year old male, while the patient underwent a laparotomy, small bowel resection and an ileocecal anastomosis. Patient A had metastatic disease of the abdomen with multiple liver metastases. The surgical procedures performed on Patient A lasted almost seven hours. (Patient A and the other patients are identified in the attached appendix.) Respondent:
1. Failed to appropriately monitor urine output.
  2. Failed to adequately monitor hemodynamic status, including but not limited to failing to conduct beat to beat monitoring through an indwelling arterial catheter.
  3. Failed to adequately treat Patient A's hypotension and/or tachycardia.
  4. Failed to maintain a record that accurately reflects the evaluation

and treatment, including but not limited to failing to appropriately document heart rate, blood pressure and the results from pulse oximetry, capnography and peripheral nerve stimulation.

B. On or about December 6, 1995, at the Mercy Medical Center, Respondent administered general anesthesia to Patient B, a 60 year old male, while the Patient underwent an open reduction and internal fixation for a pathologic fracture of the left femur. Patient B had metastatic tumors in various bones including the spine. Respondent:

1. Inappropriately diagnosed regular sinus rhythm.
2. Failed to diagnose atrial fibrillation.
3. Failed to appropriately treat intraoperative tachyrrhythmia.
4. Failed to maintain a record that accurately reflects the evaluation and treatment, including but not limited to failing to appropriately document heart rate, blood pressure and the results of pulse oximetry and end tidal CO2 measurements.

C. On or about July 9, 1996, at the Mercy Medical Center, Respondent administered monitored anesthesia care to Patient D, a 68 year old female, while the Patient had an Infusaport catheter inserted. Respondent:

1. Failed to appropriately diagnose intraoperative atrial fibrillation.
2. Inappropriately diagnosed regular sinus rhythm.
3. Inappropriately delayed treating Patient C for atrial fibrillation.
4. Failed to maintain a record that accurately reflects the evaluation and treatment.

D. On or about February 13, 1996, at the Mercy Medical Center, Respondent administered general anesthesia to Patient D, a 66 year old male, while the Patient underwent an attempted resection of an abdominal aortic aneurysm. Patient D had a past history of congestive heart failure, myocardial infarction and a cerebrovascular accident. Approximately an hour and 15 minutes after surgery commenced, the patient expired from cardiac arrest. Respondent:

1. Failed to use pulmonary artery catheter monitoring. Patient D had a pulmonary artery catheter inserted the day before the surgical procedure.
2. Failed to maintain a record that accurately reflects the evaluation and treatment, including but not limited to failing to document resuscitative efforts, pulse oximetry saturations and the results of exhaled CO<sub>2</sub>.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1999) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, B4, C, C1, C2, C3, C4, D, D1 and/or D2.

### **SECOND SPECIFICATION**

#### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1999) 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:

2. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, B4, C, C1, C2, C3, C4, D, D1 and/or D2.

### **THIRD THROUGH SEVENTH SPECIFICATIONS**

#### **RECORDKEEPING**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1999) by failing to maintain a record that accurately reflects the evaluation and treatment, as alleged in the facts of:

- 3. Paragraphs A and A4.
- 4. Paragraphs B and B4.
- 5. Paragraphs C and C4.
- 6. Paragraphs D and D2.

DATED: December 20, 1999  
New York, New York



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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. With the exception of the treatment of the eight patients identified in the annexed Exhibit C, Respondent shall only practice medicine in an Article 28 facility when supervised in his/her medical practice under the terms of this order. The period of practice supervision shall be for three years. Respondent shall not engage in the supervised medical practice as set forth in this paragraph and in paragraphs 7-9, unless and until he has received approval to engage in such practice from a program approved by OPMC to assess a physician's skills, such as the Albany Medical Center Clinical Competency Program. Upon satisfactory completion of the period of practice supervision, all requirements of this Order shall terminate and Respondent shall then have an unrestricted license.
4. With the exception of the eight patients identified in the annexed Exhibit C, the requirements imposed by this Order as set forth in paragraphs 3 and paragraphs 7-9, shall be tolled during periods in which Respondent is not practicing under supervision in an Article 28 facility as set forth herein.
5. Respondent's evaluation and treatment of the patients annexed hereto as Exhibit C and of the patients that Respondent treats under practice supervision, as set forth in paragraphs 3 and 7-9, may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with Respondent. Respondent shall provide OPMC with copies of requested medical records within 30 days of a written request.
6. Respondent 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.

### PRACTICE SUPERVISOR

7. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. The practice supervisor shall be proposed by Respondent and subject to the written approval of the

Director. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities.

8. Respondent shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to OPMC. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
9. Respondent shall authorize the practice supervisor to have access to his/her patient records and to submit quarterly written reports, to the Director of OPMC, regarding Respondent's practice. These narrative reports shall address all aspects Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report.
10. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. 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 Respondent as may be authorized pursuant to the law.