



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

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

PUBLIC

June 17, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Angela Gus Diamond, M.D.
2001 5th Avenue
Troy, NY 12180

RE: License No. 092554

Dear Dr. Diamond:

Enclosed please find Order #BPMC 03-157 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 24, 2003.

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,

REDACTED

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

Enclosure

cc: Christine Napierski, Esq.
Napierski, Vadenburgh & Napierski, LLP
296 Washington Avenue Extension
Albany, NY 12203

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

IN THE MATTER
OF
ANGELA GUS DIAMOND, M.D.

CONSENT
ORDER

BPMC No. 03-157

Upon the application of Angela Gus Diamond, M.D., (Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

REDACTED

DATED: 6/15/03

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

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

IN THE MATTER
OF
ANGELA GUS DIAMOND, M.D.

CONSENT
AGREEMENT
AND
ORDER

Angela Gus Diamond, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 21, 1964, I was licensed to practice as a physician in the State of New York, and issued License No. 92554 by the New York State Education Department.

My current address is 2001 5th Avenue, Troy, New York 12180, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and made part of this Consent Agreement.

I admit guilt to the first specification in full satisfaction of the charges against me, and agree to the following penalty:

A permanent limitation on my license prohibiting me from practicing medicine outside the field of gynecology; further I shall be on probation for a period of three years during which time I must fully comply with the Terms of Probation in Exhibit B which is attached to and made a part of this Agreement.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding. I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED: 5/30/03

REDACTED

ANGELA GUS DIAMOND, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATED: May 30, 2003

REDACTED

CHRISTINE NAPIERSKI, ESQ.
Attorney for Respondent

DATED: May 15, 03

REDACTED

JOSEPH H. CAHILL, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct

DATED: June 12, 2003

REDACTED

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
ANGELA GUS DIAMOND, M.D.

STATEMENT
OF
CHARGES

Angela Gus Diamond, M.D., Respondent, was authorized to practice medicine on July 21, 1964 by the issuance of license number 92554 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a 45 year old female at Samaritan Hospital, 2215 Burdett Avenue, Troy, New York, 12180 in May of 1996. Respondent's care of Patient A did not meet minimum standards of acceptable medical care in that:
1. Following multiple surgical procedures performed in May of 1996 Patient A developed fever and severe flank pain. Respondent did not promptly evaluate, diagnose and/or treat the cause of Patient A's fever.
- B. Respondent provided medical care and treatment to Patient B a 35 year old female patient with twin gestation at Samaritan Hospital, Troy, New York. Respondent's care and treatment failed to meet accepted standards of medical care in that:
1. On or about May 21, 1999 during the delivery of Patient B's twins, Respondent failed to take timely steps to assess Twin B's fetal heart rate after the delivery of Twin A, including the use of a fetal scalp electrode.

2. Respondent failed to order oxygen for Patient B during the delivery of Twin B.
 3. Respondent failed to promptly perform an operative delivery on Twin B and chose instead to await vaginal delivery of Twin B.
- C. Respondent provided medical care and treatment to Patient C, a 41 year old patient with a twin gestation. Such care was provided at Respondent's office and also at Samaritan Hospital, Troy, New York. Respondent's care and treatment of Patient C failed to meet accepted standards of medical care in that:
1. Respondent inappropriately permitted a certified nurse midwife to assume primary responsibility for the delivery of high risk twins.
 2. Respondent failed to adequately evaluate and/or document Patient C's status prior to the delivery of Twin A.
 3. Respondent failed to adequately document her recommendation concerning a C-section on this patient.

SPECIFICATION OF CHARGES

First Specification

Negligence on More than One Occasion

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion, as set forth in two or more of the following:

1. The facts in Paragraph A and A1, B and B1, B and B2, B and B3, C and C1, C and C2, C and C3.

Second Specification

Incompetence on More than One Occasion

Respondent is charged with professional misconduct as defined in New York Education Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as set forth in two or more of the following:

2. The facts in Paragraph A and A1, B and B1, B and B2, B and B3, C and C1, C and C2, C and C3.

DATED:

June 5
~~May~~ 2003
Albany, New York

REDACTED

Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
8. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.