

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

PUBLIC

IN THE MATTER

OF

ELLIOTT J. TURETZKY, D.O.  
CO-03-06-2805-A

COMMISSIONER'S  
SUMMARY  
ORDER

TO: ELLIOTT J. TURETZKY, D.O.  
P.O. Box 13504  
Las Vegas, NV 89112

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Nevada State Board of Osteopathic Medicine (hereinafter "Nevada Board") has made a finding substantially equivalent to a finding that the practice of medicine by **ELLIOTT J. TURETZKY, D.O.**, Respondent, licensed to practice medicine in New York state on July 1, 1969, by license number 103785, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Nevada Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **ELLIOTT J. TURETZKY, D.O.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Nevada. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Summary Hearing, together with a Statement of Charges, to be provided to the Respondent after the final conclusion of the Nevada proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Nevada proceeding, immediately upon such conclusion.**

**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 MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY FOR THIS MATTER.**

DATE: Albany, New York

*October*, 2003



ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P. H.  
Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

1 **BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

2  
3 IN THE MATTER OF THE COMPLAINT )  
4 AGAINST )  
5 ELLIOTT TURETSKY, D.O., )  
6 RESPONDENT. )

Case No.: MA-03-02-257

Filed: 5-20-2003

Executive Director

7  
8 **EMERGENCY ORDER OF SUMMARY SUSPENSION OF LICENSE**  
9 **TO PRACTICE OSTEOPATHIC MEDICINE IN THE STATE OF NEVADA**  
10 **AND OF SUBMISSION TO MENTAL AND PHYSICAL EXAMINATION**  
11

12 This matter having come before the Nevada State Board of Osteopathic Medicine at a  
13 an emergency Board Meeting as an Agenda Item to consider the above entitled matter on  
14 May 20, 2003, and the Board having considered the Complaint and Request for Summary  
15 Suspension of License and Order for Submission to a Mental and Physical Examination filed  
16 against ELLIOT TURETSKY, D.O., and the Board having considered the Request for  
17 Summary Suspension and the relevant provisions of Chapter 633 of the Nevada Revised  
18 Statutes, Chapter 633 of the Nevada Administrative Code, and particularly NRS 633.511 and  
19 633.591 of the Nevada Revised Statutes and NAC 633.450, and good cause appearing, the  
20 Board finds, by substantial evidence:

21 I.

22 That ELLIOT TURETSKY, D.O., is licensed by the Nevada State Board of Osteopathic  
23 Medicine to practice medicine in the state of Nevada.

24 II.

25 That ELLIOT TURETSKY, D.O., has been charged in a Complaint duly filed with the  
26 Board with being unable to practice medicine with reasonable skill and safety because of  
27 illness, a mental or physical condition, or the use of alcohol, drugs, narcotics or any other  
28 controlled substance.

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**III.**

On or about May 11, 2003, RESPONDENT was admitted into the Emergency Department of St. Rose Hospital Siena Campus. He was evaluated, presented his osteopathic medical license, and discharged by Dr. Ross Berkeley, M.D. after declining further consultation with a social worker.

**IV.**

RESPONDENT was taken by ambulance again to the Emergency Department at St. Rose Hospital Siena Campus on May 12, 2003 for a psychiatric evaluation, observation, and treatment based upon the application, certification, and medical clearance for emergency admission of an allegedly mentally ill person to a mental facility ("Legal 2000") at the request of the Las Vegas Metropolitan Police Department, hereinafter "LVMPD."

**V.**

RESPONDENT was found by LVMPD to be "living in bio-hazardous conditions, i.e., rotting food, feces, maggots, and cups of urine" in his truck. This living condition provides a valid inference of an allegedly mentally ill person meeting the necessary criteria for emergency admission to a mental facility as set forth in NRS 433A.115 and 433A.160.

**VI.**

A person alleged to be a mentally ill person may, upon application pursuant to NRS 433A.160 be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment. Such person must be released within 72 hours from the time of his admission unless within that period a written petition for an involuntary court-ordered admission is filed with the clerk of the court or the status of the persons changed to a voluntary admission. NRS 433A.150.

**VII.**

Pursuant to the provisions of NRS 433A.120 to 433A.330 inclusive, grounds for emergency admission include: "[Person] acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, he will be unable to satisfy the need for nourishment, personal or medical care, shelter, self-protection or safety

1 due to mental illness, and if there exists a reasonable probability that death, serious bodily  
2 injury or physical debilitation will occur within the next 30 days unless admitted to a mental  
3 health facility and adequate treatment is provided."

4 VIII.

5 RESPONDENT's blood work indicated that his ethanol level was less than 5 and he  
6 tested positive for THC (marijuana).

7 IX.

8 The Complaint alleges that RESPONDENT is professionally incompetent by reason of  
9 mental impairment, which is grounds for disciplinary action pursuant to NRS 633.511(5).

10 X.

11 That the public health, safety, and welfare imperatively require action and summary  
12 suspension of ELLIOT TURETSKY, D.O.'s, license to practice medicine in the state of Nevada  
13 pending a hearing on the Complaint. That the continuing practice of medicine or the  
14 continuing ability to practice medicine by ELLIOT TURETSKY, D.O., during the pendency of  
15 the time necessary for a hearing on this Complaint would endanger the health, safety, and  
16 welfare of his patients.

17 WHEREFORE, IT IS ORDERED BY the Nevada State Board of Osteopathic Medicine  
18 that ELLIOT TURETSKY, D.O.'s license to practice medicine in the state of Nevada is hereby  
19 summarily suspended pending proceedings on the Complaint on file herein or until further  
20 order of the Board.

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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

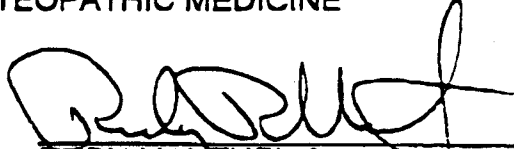
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IT IS FURTHER ORDERED that ELLIOT TURETSKY, D.O. is to submit a mental and physical examination by one of several physicians to be designated by the Board Chairman.

DATED this 20 day of May, 2003.

NEVADA STATE BOARD OF  
OSTEOPATHIC MEDICINE

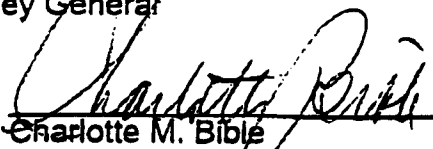
By:

  
RUDY MANTHEI, CHAIRMAN

Submitted by:

BRIAN SANDOVAL  
Attorney General

By:

  
Charlotte M. Bible  
Chief Deputy Attorney General, Civil Division  
555 E. Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101  
(702) 486-3102

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

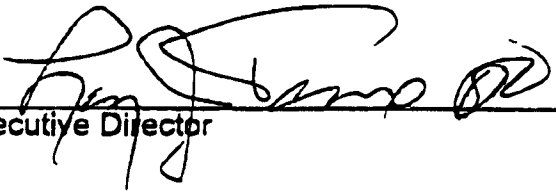
**CERTIFICATION**

I hereby certify that the foregoing is a full, true, and correct original ORDER OF SUMMARY SUSPENSION OF LICENSE TO PRACTICE MEDICINE IN THE STATE OF NEVADA on file and of record in the office of the Board of Osteopathic Medicine, in the matter of ELLIOT TURETSKY, D.O.

I further certify that RUDY MATHEI is the Chairman of the Nevada State Board of Osteopathic Medicine and did execute this ORDER OF SUMMARY SUSPENSION OF LICENSE TO PRACTICE MEDICINE IN THE STATE OF NEVADA on behalf of the Nevada State Board of Osteopathic Medicine; and that the signature to the foregoing is the genuine signature of the said RUDY MATHEI.

IN WITNESS WHEREOF, I have hereunto set my hand as Executive Director of the Nevada State Board of Osteopathic Medicine.

DATED this 20 day of May, 2003.

  
Executive Director

Attorney General's Office  
555 E. Washington, Suite 3000  
Las Vegas, NV 89101

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BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF THE COMPLAINT

AGAINST

ELLIOT TURETSKY, D.O.

RESPONDENT.

Case No.: MA-03-02-257

Filed: 5-19-03

*[Signature]*  
Executive Director

COMPLAINT

Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes, and by virtue of the authority vested in it by said chapter, the Investigative Board Member of the Nevada Board of Osteopathic Medicine, having a reasonable basis to believe that ELLIOT TURETSKY, D.O. hereinafter referred to as "RESPONDENT," has violated the provisions of said chapter, hereby issues its formal Complaint, stating the Investigative Board Member's charges and allegations, as follows:

1. That RESPONDENT is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Board of Osteopathic Medicine of the State of Nevada pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes.

2. That NRS 633.511(5) provides that professional incompetence is grounds for initiating disciplinary proceedings.

3. NRS 633.111 provides in pertinent part:

'Professional incompetence' means lack of ability safely and skillfully to practice osteopathic medicine, or to practice one or more of its specified branches, arising from:

1. . . .
2. Impaired physical or mental capability of the osteopathic physician;
3. Indulgence in the use of alcohol, or any other controlled substance; or
4. Any other sole or contributing cause.

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

1           4.       On or about May 11, 2003, RESPONDENT was admitted into the Emergency  
2 Department of St. Rose Hospital Siena Campus. He was evaluated, presented his  
3 osteopathic medical license, and discharged by Dr. Ross Berkeley, M.D. after declining further  
4 consultation with a social worker.

5           5.       RESPONDENT was taken by ambulance again to the Emergency Department at  
6 St. Rose Hospital Siena Campus on May 12, 2003 for a psychiatric evaluation, observation,  
7 and treatment based upon the application, certification and medical clearance for emergency  
8 admission of an allegedly mentally ill person to a mental facility ("Legal 2000") at the request  
9 of the Las Vegas Metropolitan Police Department, hereinafter "LVMPD."

10          6.       RESPONDENT was found by LVMPD to be "living in bio-hazardous conditions,  
11 i.e., rotting food, feces, maggots, and cups of urine" in his truck. This living condition provides  
12 a valid inference of an allegedly mentally ill person meeting the necessary criteria for  
13 emergency admission to a mental facility as set forth in NRS 433A.115 and 433A.160.

14          7.       A person alleged to be a mentally ill person may, upon application pursuant to  
15 NRS 433A.160 be detained in a public or private mental health facility or hospital under an  
16 emergency admission for evaluation, observation and treatment. Such person must be  
17 released within 72 hours from the time of his admission unless within that period a written  
18 petition for an involuntary court-ordered admission is filed with the clerk of the court or the  
19 status of the person is changed to a voluntary admission. NRS 433A.150.

20          8.       Pursuant to the provisions of NRS 433A.120 to 433A:330 inclusive, grounds for  
21 emergency admission include: "[Person] acted in a manner from which it may reasonably be  
22 inferred that, without the care, supervision or continued assistance of others, he will be unable  
23 to satisfy the need for nourishment, personal or medical care, shelter, self-protection or safety  
24 due to mental illness, and if there exists a reasonable probability that death, serious bodily  
25 injury or physical debilitation will occur within the next 30 days unless admitted to a mental  
26 health facility and adequate treatment is provided."

27          9.       RESPONDENT's blood work indicated that his ethanol level was less than 5 and  
28 he tested positive for THC (marijuana).

1           10.     **RESPONDENT's admitting diagnoses include a) hypokalemia b) psychosis,**  
2 **possible schizophrenia c) poor hygiene, and d) inability to care for self.**

3           11.     **RESPONDENT was being held at St. Rose Hospital pending medical clearance**  
4 **after which he should have been evaluated by a Mental Health Facility and released within 72**  
5 **hours unless a petition for an involuntary court ordered admission was filed with the court**  
6 **clerk. Despite the Legal 2000 emergency admission, the treating physician discharged**  
7 **RESPONDENT without a mental evaluation.**

8           12.     **Due to RESPONDENT's impaired mental or physical condition or indulgence in**  
9 **the use of alcohol or a controlled substance, RESPONDENT puts his patients and the public**  
10 **at risk by his impaired condition.**

11                                 **COUNT ONE**

12           13.     **The allegations set forth in paragraphs 1 through 12 are incorporated herein as if**  
13 **set out in full.**

14           14.     **Based upon information and belief, there is a substantial possibility that**  
15 **RESPONDENT, ELLIOT TURETSKY, D.O., may be impaired either because of a mental or**  
16 **physical condition. It is alleged upon information and belief that RESPONDENT could in the**  
17 **future, and has in the past, while licensed in the state of Nevada, practice(d) medicine while**  
18 **impaired.**

19           15.     **That Respondent's impaired mental or physical capability constitutes**  
20 **professional incompetence.**

21           16.     **Professional Incompetence is a ground for disciplinary action pursuant to NRS**  
22 **633.511(5).**

23           17.     **Respondent's impaired mental or physical capability constitutes a violation of**  
24 **NRS 633.511(5).**

25                                 **COUNT TWO**

26           18.     **Based upon information and belief, there is a substantial possibility that**  
27 **RESPONDENT, ELLIOT TURETSKY, D.O., may be impaired either due to the use of alcohol,**  
28 **or a controlled substance. It is alleged upon information and belief that RESPONDENT could**

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1 in the future, and has in the past, while licensed in the state of Nevada, practiced medicine  
2 while under the influence of alcohol or controlled substances.

3 19. That Respondent's practice of medicine while under the influence of alcohol or  
4 controlled substances constitutes professional incompetence and is a violation of NRS  
5 633.511(5).

6 **COUNT THREE**

7 20. The allegations contained in paragraphs 1 through 19 are incorporated herein as  
8 if set out in full.

9 21. That the public health, safety, and welfare imperatively require emergency action  
10 and summary suspension of RESPONDENT's license to practice osteopathic medicine in the  
11 state of Nevada pending a hearing on this Complaint.

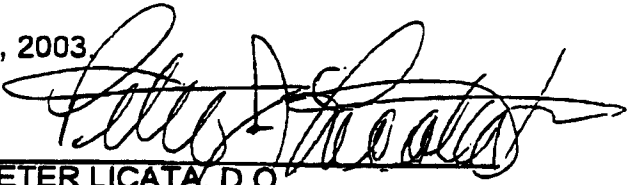
12 22. That the continuing practice of osteopathic medicine, and the ability to practice  
13 medicine by RESPONDENT during the pendency of the time necessary for a hearing on this  
14 Complaint would endanger the health, safety, and welfare of the public.

15 WHEREFORE, the Investigative Member of the Board of Osteopathic Medicine prays  
16 that the Nevada State Board of Osteopathic Medicine conduct a hearing on this Complaint as  
17 provided by statute, and that the Nevada State Board of Osteopathic Medicine, after such  
18 hearing, take such action as may be just and proper pursuant to NRS 633.651.

19 FURTHERMORE, the Investigative Board Member prays that the Nevada State Board  
20 of Osteopathic Medicine should schedule an emergency hearing and affirmatively find that the  
21 public health, safety, and welfare imperatively require emergency action and summarily  
22 suspend RESPONDENT's license to practice Osteopathic Medicine in the state of Nevada  
23 pending a hearing on the Complaint pursuant to NRS 633.591 and order a mental  
24 examination pursuant to NRS 633.561.

25 DATED this 19 day of May, 2003.

26  
27 By:

  
28 **PETER LICATA, D.O.**  
Investigating Member of the Nevada Board of  
Osteopathic Medicine