



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

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NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

PUBLIC

October 13, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David P. Pronto, R.P.A.
8-C Deer Run
Hudson Falls, NY 12839

Re: License No. 002032

Dear Mr. Pronto:

Enclosed please find Order #BPMC 04-230 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 20, 2004.

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 the 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: William J. Dreyer, Esq.
Dreyer, Boyajian, LLP
75 Columbia Street
Albany, NY 12210

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

**IN THE MATTER
OF
DAVID P. PRONTO, RPA**

**SURRENDER
ORDER**

BPMC No. 04-230

Upon the application of (Respondent) David P. Pronto, RPA, to Surrender his registration as a physician's assistant in the State of New York, which is made a part of this Surrender Order, it is

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

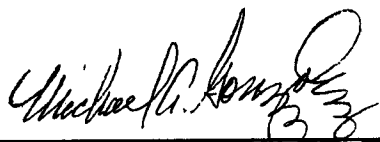
ORDERED, that the name of Respondent be stricken from the roster of physician's assistants in the State of New York; it is further

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.

DATED: 10/11/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
DAVID P. PRONTO, RPA

SURRENDER
of
Physician's Assistant
Registration

David P. Pronto, RPA, representing that all of the following statements are true, deposes and says:

That on or about August 27, 1982, I was registered to practice as a physician's assistant in the State of New York, and issued Registration No. 002032 by the New York State Education Department.

My current address is 8-C Deer Run, Hudson Falls, New York, 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 four specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Surrender of Physician's Assistant Registration.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my registration as a physician's assistant in the State of New York on the grounds that I plead guilty to the first specification, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my Physician's Assistant Registration.


I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged

misconduct; this application 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 accepts the Surrender of my Registration, the Chair of the Board shall issue a Surrender 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 Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to accept this Surrender of Registration of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of Registration, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.


DATED 8/25/04



DAVID P. PRONTO, RPA
RESPONDENT

The undersigned agree to Respondent's attached Surrender of Registration and to its proposed penalty, terms and conditions.

DATE: Sept 28, 2004


WILLIAM J. DREYER, ESQ.
of Counsel to Dreyer Boyajian
Attorneys for Respondent

DATE: 9/29/04


TIMOTHY J. MAHAR
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 10/8/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
DAVID P. PRONTO, RPA

STATEMENT
OF
CHARGES

David P. Pronto, RPA, the Respondent, was registered as a physician's assistant in New York State on or about August 27, 1982, by the issuance of registration number 002032 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A during the period from November, 2002 through March, 2004 for depression, asthma and migraines, among other medical conditions.
1. Respondent engaged in a sexual relationship with Patient A during the period including December, 2002 through February, 2004.
 2. Respondent assaulted Patient A on or about February 12, 2004, resulting in severe injury to Patient A.
 3. Respondent failed to adequately evaluate and/or treat the severe injury sustained by Patient A on or about February 12, 2004, and referred to in paragraph A.2, above.

SPECIFICATION OF CHARGES
FIRST AND SECOND SPECIFICATIONS
MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) by reason of his having engaged in conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner alleges:

1. The facts set forth in factual allegations A and A.1.
2. The facts set forth in factual allegations A and A.2.

THIRD SPECIFICATION
WILLFUL PHYSICAL ABUSE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (31) by reason of his having willfully abused a patient physically, in that Petitioner charges:

3. The facts set forth in factual allegations A and A.2.

FOURTH SPECIFICATION
GROSS NEGLIGENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(4) by reason of his having practiced the profession with gross negligence on a particular occasion, in that Petitioner charges:

4. The facts set forth in factual allegations A and A.3.

DATED: ~~July~~^{Sept. 30}, 2004
Albany, New York


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