



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

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Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 4, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Douglas A. Capraro, R.P.A.
P.O. Box 335
West Winfield, NY 13491

RE: License No. 000302

Dear Mr. Capraro:

Enclosed please find Order #BPMC 99-120 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 4, 1999**.

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: Carlton F. Thompson, Esq.
Levene, Gouldin & Thompson, LLP
450 Plaza Drive
Vestal, NY 13850-3657

Kevin C. Roe, Esq.

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

IN THE MATTER
OF
DOUGLAS A. CAPRARO, P.A.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-120

DOUGLAS A. CAPRARO, P.A., (Respondent) says:

That on or about August 8, 1975, I was licensed to practice as a physician's assistant in the State of New York, having been issued license number 000302 by the New York State Education Department.

My current address is P.O. Box 335, West Winfield, New York 13491.

I understand that the New York State Board for Professional Medical Conduct has charged me with eighteen specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the seventeenth specification of the Statement of Charges as it relates to factual allegations A.5, B.4, C.4, D.2, and F.6 in full satisfaction of the charges against me, the balance of which I deny.

I agree to the following penalty:

My license to practice medicine shall be suspended for three years with the suspension stayed on condition that I comply with the terms of probation attached hereto, made part hereof, and marked as Exhibit B.

Respondent shall maintain current registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of his 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 upon the direction of OPMC.

I stipulate that any failure by me to comply with the terms of probation shall constitute misconduct as defined by New York State Education Law §6530(29). 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 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, whether administratively or judicially, and ask that the application be granted.

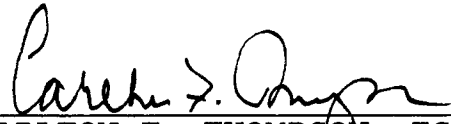
AFFIRMED:

DATED: 5/13/99

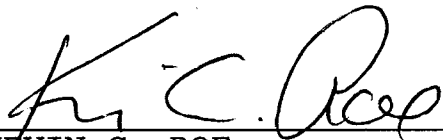

DOUGLAS A. CAPRARO, P.A.

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


DATE: 5/17/99


CARLTON F. THOMPSON, ESQ.
Attorney for Respondent

DATE: 5/24/99


KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 5/25/99


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

NEW YORK STATE
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH

**IN THE MATTER
OF
DOUGLAS A. CAPRARO, P.A.**

CONSENT
ORDER

Upon the proposed agreement of Douglas A. Capraro, P.A., (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 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: 5/31/99

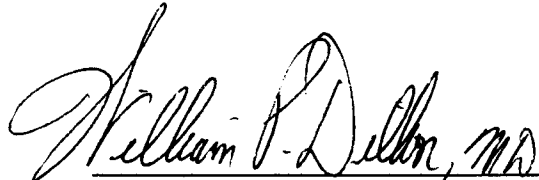

WILLIAM P. DILLON, M.D.
Chair
State Board for
Professional Medical
Conduct

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
DOUGLAS ANTHONY CAPRARO, P.A. : CHARGES

-----X

DOUGLAS ANTHONY CAPRARO, P.A., the Respondent, was licensed to practice as a physician's assistant in New York State on June 12, 1975 by the issuance of license number 000302 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached appendix) at the Winfield Medical Center in West Winfield, New York, from on or about March 22, 1995 to on or about April 10, 1995. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform and/or document an adequate physical examination.
2. Respondent failed to order appropriate laboratory studies, including but not limited to a sepsis workup, a complete blood count with differential, blood culture and sensitivity testing, urinalysis, urine culture, chest x-ray and spinal tap.

3. Respondent failed to refer the patient to an appropriate specialist.
4. Respondent failed to hospitalize Patient A and/or refer him to the Emergency Department.
5. Respondent failed to consult with his supervising physician.
6. Respondent evaluated and treated Patient A without appropriate supervision.

B. Respondent treated Patient B at the Winfield Medical Center from on or about August 5, 1982 to on or about December 12, 1995. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to order appropriate laboratory testing, including but not limited to a urine cultures and repeat urinalysis following abnormal urinalysis.
2. Respondent failed to refer the patient to a gynecologist following sonographic findings of pelvic/abdominal mass.
3. Respondent failed to order and/or obtain a repeat PAP smear following an abnormal PAP smear on October 25, 1995.
4. Respondent failed to consult with his supervising physician.

5. Respondent evaluated and treated Patient A without appropriate supervision.

C. Respondent treated Patient C at the Winfield Medical Center from on or about August 11, 1986 to on or about October 11, 1995. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care in that:

1. Respondent failed to order serial beta-human chorionic gonadotropin blood tests.
2. Respondent failed to refer the patient to an Ob/Gyn.
3. Respondent failed to prescribe the lowest effective dose of estrogen contraceptives.
4. Respondent failed to consult with his supervising physician.
5. Respondent evaluated and treated Patient A without appropriate supervision.

D. Respondent treated Patient D at the Winfield Medical Center from on or about April 11, 1985 to on or about February 8, 1996. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to refer Patient D to an appropriate specialist for a colposcopy in a timely manner

following abnormal PAP smears on January 19, 1994 and/or May 1, 1995.

2. Respondent failed to consult with his supervising physician.
3. Respondent evaluated and treated Patient A without appropriate supervision.

E. Respondent treated Patient E at the Winfield Medical Center from on or about November 6, 1995 to on or about January 8, 1996. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to order appropriate blood testing, urinalysis, and an EKG.

F. Respondent treated Patient F at the Winfield Medical Center from on or about May 9, 1975 to on or about July 14, 1995. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.

2. Respondent failed to order cervical cultures and wet mounts to further evaluate abnormal PAP smears.
3. Respondent failed to refer Patient F to an Ob/Gyn.
4. Respondent failed to order HDL and LDL cholesterol testing prior to and/or while prescribing oral contraceptives.
5. Respondent failed to adequately counsel Patient F regarding diet and nutrition.
6. Respondent failed to consult with his supervising physician.
7. Respondent evaluated and treated Patient A without appropriate supervision.

G. Respondent treated Patient G at the Winfield Medical Center from on or about December 13, 1989 to on or about February 6, 1996. Respondent's care and treatment of Patient G failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or record an adequate physical examination.
3. Respondent failed to order PAP smears and cervical cultures.
4. Respondent evaluated and treated Patient A without appropriate supervision.

SPECIFICATIONS

FIRST THROUGH SEVENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, and/or A.6.
2. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.
3. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
4. The facts in Paragraphs D and D.1, D.2 and/or D.3.
5. The facts in Paragraphs E and E.1, E.2, and/or E.3.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
7. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

EIGHTH THROUGH FOURTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

8. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, and/or A.6.
9. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.
10. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
11. The facts in Paragraphs D and D.1, D.2 and/or D.3.
14. The facts in Paragraphs E and E.1, E.2, and/or E.3.
13. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
14. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

FIFTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

15. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6; B and B.1, B.2, B.3, B.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3; E and E.1, E.2, E.3; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; and/or G and G.1, G.2, G.3, G.4.

SIXTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

16. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6; B and B.1, B.2, B.3, B.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3; E and E.1, E.2, E.3; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; and/or G and G.1, G.2, G.3, G.4.

SEVENTEENTH THROUGH SPECIFICATION

PRACTICING BEYOND SCOPE AUTHORIZED

Respondent is charged with practising beyond the scope permitted by law and/or performing professional services without adequate supervision in violation of New York Education Law §6530(24) in that, Petitioner charges:

17. The facts in Paragraphs A and A.6.
18. The facts in Paragraphs B and B.5.
19. The facts in Paragraphs C and C.5.
20. The facts in Paragraphs D and D.3.
21. The facts in Paragraphs E and E.3.
23. The facts in Paragraphs F and F.7.
24. The facts in Paragraphs G and G.4.

DATED: *April 20*, 1999
Albany, New York

Peter D. Van Buren

PETER D. VANBUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT B

TERMS OF PROBATION

1. Respondent 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 and obligations imposed by law and by his 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. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].
4. The three year period of of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of the Office of Professional Medical Conduct (OPMC), in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of condition which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance 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 or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

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 law, rules, and regulations regarding controlled substances.
7. Except during periods of actual suspension, Respondent shall maintain current registration of his 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied.
8. Respondent shall cooperate fully in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. 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 upon the direction of OPMC.
9. Respondent shall practice as a physician's assistant only when monitored by a licensed physician, board certified in family practice, proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a unannounced basis at least monthly and shall examine a random selection of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including

fees, if any, to the monitoring physician.

- c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
10. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to this 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 proceeding as described in NY Public Health Law §230(19) and/or any such other proceeding as may be authorized pursuant to the law. Upon written notification to Respondent by the Director of OPMC that she/he has determined that he has violated the terms of probation and/or is not in compliance with the terms of probation, the stay of the suspension is vacated and Respondent's licence shall be actively suspend until final resolution of the alleged violations of the terms of probation pursuant to the proceeedure set forth in NY Public Health Law §230(19).