



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

October 29, 1992

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eve D. Charasz, M.D.
P.O. Box 1492
Southampton, New York 11969

RE: License No. 1640881

Dear Dr. Charasz:

Enclosed please find Order #BPMC 92-95 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

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IN THE MATTER :
OF : ORDER
EVE D. CHARASZ, M.D. : BPMC #92-95

-----X

Upon the application of EVE D. CHARASZ, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

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

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 22 October 1992

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER : APPLICATION
OF : FOR
EVE D. CHARASZ, M.D. : CONSENT
: ORDER

STATE OF NEW YORK)
COUNTY OF QUEENS) SS.:

EVE D. CHARASZ, M.D., being duly sworn, deposes and says:

That on or about September 16, 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 1640881 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1991 through December 31, 1992 from 58-32 264th Street, Little Neck, New York.

I understand that the New York State Board of Professional Medical Conduct (the Board) has charged me with two Specifications of professional misconduct.

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

I admit guilt to the First Specification as it applies to Paragraph A and A.1, A and A.2, A and A.3, and A and A.4 of the Factual Allegations and to the Second Specification as it applies to Paragraph A and A.2 of the Factual Allegations and all of the facts alleged therein.

I hereby agree that I receive a penalty of a suspension of my license to practice medicine for a period of two years, twenty-two (22) months of said suspension to be stayed, and that I shall further be placed on probation during such twenty two (22) month period under the terms set forth in Exhibit B, hereto attached.

I hereby make this application to 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 may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Eve Charasz

EVE D. CHARASZ, M.D.
Respondent

Sworn to before me this
5th day of October, 1992.

Thomas P. Battistoni

NOTARY PUBLIC

THOMAS P. BATTISTONI
Notary Public, State of New York
No. 24-4862351
Qualified in Kings County
Certificate Filed in New York County
Commission Expires May 19, 1994

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

IN THE MATTER

OF

EVE D. CHARASZ, M.D.

: APPLICATION
:
: FOR
:
: CONSENT
:
: ORDER

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

Date: 10/5/92

Eve Charasz
EVE D. CHARASZ, M.D.
RESPONDENT

Date: 10/5/92

Thomas Battistoni
THOMAS BATTISTONI, ESQ.
ATTORNEY FOR RESPONDENT

Date: 10/20/92

Jeffrey J. Armon
JEFFREY J. ARMON
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Oct 29, 1992

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 26 October 1992

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON, State Board for
Professional Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. That Respondent, during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Corning Tower Building, 4th Floor, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation.

5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which she is subject pursuant to the order of the Board.
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any other violation of these terms, the Director of the Office Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
7. Respondent's practice of anesthesiology shall be monitored by a board certified anesthesiologist to be approved by the Director of the Office of Professional Medical Conduct (OPMC) who shall monitor and evaluate Respondent's anesthesiology practice on a random basis and who shall submit reports attesting to the propriety of such practice on a quarterly basis to the Director of the OPMC at the above address. This monitor shall promptly notify the Director of the OPMC of any failure to comply with appropriate standards of anesthesia care. The monitor shall not be an employee of the facility which employs the Respondent. All costs incurred in complying with the conditions of this Paragraph shall be borne by the Respondent.

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

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IN THE MATTER : STATEMENT
OF : OF
EVE D. CHARASZ, M.D. : CHARGES

-----X

EVE D. CHARASZ, M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1985 by the issuance of license number 164088-1 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1992 through December 31, 1992.

FACTUAL ALLEGATIONS

A. On or about June 13, 1990, Patient A (identified in the attached Appendix) underwent coronary artery bypass surgery at the Maimonides Medical Center, Brooklyn, New York, for which the Respondent performed anesthesia. Respondent punctured Patient A's carotid artery with an introducer/dilator while attempting insertion of a Swan-Ganz catheter. The Respondent failed to disclose, concealed, and/or misrepresented the extent of the injury to Patient A's carotid artery.

1. Immediately following the puncture of the artery, the Director of the Anesthesia Department and the Junior Attending Surgeon for the coronary artery bypass procedure encountered the Respondent and Patient A in the operative suite. The Respondent misrepresented

to both physicians the extent of the injury when describing the patient's condition, thereby preventing an accurate determination to be made as to whether to proceed with the surgery.

2. The Respondent failed to document any difficulty in insertion of the catheter or any injury to the patient in any appropriate medical record, including, but not limited to the anesthesia record, progress notes or patient's medical chart.
3. The Respondent caused a student nurse anesthetist assisting with the procedure to believe that she was to withhold information about the injury to the patient's carotid artery, as a result of the following:
 - a. Subsequent to the surgery, the Respondent thanked the student nurse for not saying anything or telling anyone about the injury to Patient A.
 - b. On the day following the surgery, the Respondent, when speaking with the student nurse, suggested that such an injury was a common occurrence and minimized its' significance.
 - c. The Respondent advised the student nurse not to be concerned about the injury to Patient A and indicated that she would handle the matter herself.
4. On June 15, 1990, two days after the cardiac surgery, Patient A underwent a second surgery to drain a large hematoma on the right side of his neck and to repair a laceration of his right carotid artery. Respondent did not inform any surgeon or supervisor during the period of June 13, 1990 through June 15, 1990 that Patient A's right carotid artery had been punctured by an introducer as she attempted to place a Swan-Ganz catheter while performing anesthesia in preparation for cardiac surgery.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct by reason of practicing the profession fraudulently under New York Education Law §6530(2), (McKinney Supp. 1992; formerly §6509(2) of the New York Education Law, McKinney, 1985) in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4.

SECOND SPECIFICATION

FAILURE TO MAINTAIN ACCURATE RECORDS

Respondent is charged with professional misconduct under New York Education Law §6530(32), (McKinney Supp. 1992; formerly §6509(9) of the New York Education Law, McKinney, 1985, and 8 NYCRR §29.2(a)(3), 1987,) by reason of failing to maintain a patient record which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

2. The facts in Paragraphs A and A.2.

DATED: Albany, New York

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