



Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

March 30, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nayan Das, M.D.
8230 East Main Street
Leroy, New York 14482

RE: License No. 136944
Effective Date: 04/06/95

Dear Dr. Das:

Enclosed please find Order #BPMC 95-75 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 12237-0756

Sincerely,

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

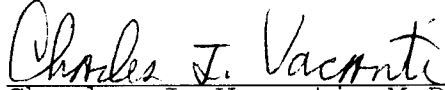
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----x
IN THE MATTER :
OF : ORDER
NAYAN DAS, M.D. : BPMC #95-75
-----x

Upon the application of NAYAN DAS, 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: 29 March 1995



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

-----X
IN THE MATTER : APPLICATION
OF : FOR
NAYAN DAS, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

NAYAN DAS, M.D., being duly sworn, deposes and says that:

On or about December 8, 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 136944 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, 1995, through April 30, 1996.

I understand that the New York State Board for Professional Medical Conduct has charged me with Eight 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 and Secnd Specifications concerning patients A and B in full satisfaction of the charges against me.

I hereby agree to the penalty of a two year suspension of my license to practice medicine in New York state; however, the


license suspension shall be stayed in its entirety conditioned upon my full compliance with the Terms of Probation attached hereto as Appendix B, during a three year term of probation.

I hereby 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



NAYAN DAS, M.D.
RESPONDENT

Sworn to before me this
21st day of March, 1995.


NOTARY PUBLIC MONROE COUNTY
MY COMM. EXPIRES 6-30-96

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
: CONSENT
NAYAN DAS, M.D. :
: ORDER
-----X

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

DATE: 3/21/95

Nayan Das
NAYAN DAS, M.D.
Respondent

DATE: 3-21-95

Richard S. Tubiolo
RICHARD S. TUBIOLO
Attorney for Respondent

DATE: 3/23/95

Kevin P. Donovan
KEVIN P. DONOVAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 3/27/95

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

DATE: 29 March 1995

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

-----X

IN THE MATTER : STATEMENT
OF : OF
NAYAN DAS, M.D. : CHARGES

-----X

NAYAN DAS, M.D., the Respondent, was authorized to practice medicine in New York State on December 8, 1978, by the issuance of license number 136944 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A, a 58 year old female at St. Jerome Hospital, Batavia, New York, from approximately May 13, 1992, until her death on or about June 16, 1992, after she was hospitalized for acute exacerbation of chronic obstructive pulmonary disease.

1. During a hospital admission beginning on or about May 13, 1992, Respondent failed to perform or record an adequate history or physical examination of Patient A.
2. Respondent failed to appropriately evaluate electrolytes of Patient A, who had a history of low potassium and who used medications that may cause potassium loss.
3. Respondent prescribed inappropriate intravenous hydration for Patient A, leading to a life-threatening hypokalemia.
4. Respondent inappropriately continued administering oral TheoDur to the patient during her hospitalization when she was receiving intravenous aminophylline as well and also

Exhibit A

increased the dose of TheoDur being administered to the patient without appropriate medical indication.

B. Respondent treated Patient B, a 78 year old female, at St. Jerome Hospital from on or about November 9, 1990, until the patient's death on or about December 8, 1990; the patient was hospitalized with a history of vomiting bloody material, blood in stool, low potassium and sodium.

1. Respondent failed to obtain or record an adequate admission history and physical examination of Patient B.
2. Respondent prescribed inappropriate intravenous hydration for Patient B, leading to a life-threatening hyponatremia.
3. Respondent failed to adequately evaluate the Patient B for her history of coffee ground emesis.

C. Respondent treated Patient C, an 86 year old male, during his admission at St. Jerome Hospital from on or about April 17, 1994, to April 29, 1994; the patient was hospitalized after complaints of acute dizziness and shortness of breath.

1. Respondent failed to obtain or record an adequate history of Patient C's present illness, and failed to record an adequate discharge note, discharge orders, or discharge summary.
2. Respondent failed to appropriately monitor Patient C's electrolytes or BUN, when Patient C was admitted with a diagnosis of dehydration.
3. Respondent failed to appropriately evaluate his finding of decreased left lower extremity pulse in Patient C, who had a history of leg ulcers.
4. Respondent inappropriately failed to follow recommendations of a consultant for radiology analysis of Patient C, including evaluation of a possible abdominal aortic aneurysm and ankylosing spondylitis.

D. Respondent treated Patient D, an 81 year old male, at St. Jerome Hospital from on or about March 19, 1994, through June 2, 1994; he was hospitalized for dehydration.

1. Respondent failed to perform or record an adequate admission history or physical examination, or a discharge summary for Patient D.
2. Respondent failed to respond in a timely manner to the findings of Heme positive stool and decline in the Patient D's hemoglobin.
3. Respondent inappropriately ordered an end to Pepcid medication of Patient D, who had proven multiple duodenal ulcers.
4. Respondent failed to appropriately monitor the electrolyte status of the patient while he was receiving intravenous fluid administration.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE

ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of New York Education Law §6530(3) (McKinney Supp. 1995), in that Petitioner charges two or more of the following:

1. The facts of paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, C and C.4, D and D.1, D and D.2, D and D.3, and/or D and D.4.

SECOND SPECIFICATION
PRACTICING THE PROFESSION WITH INCOMPETENCE
ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession on more than one occasion within the meaning of New York Education Law §6530(5) (McKinney Supp. 1995) in that Petitioner charges two or more of the following:

2. The facts of paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, C and C.4, D and D.1, D and D.2, D and D.3, and/or D and D.4.

THIRD THROUGH SIXTH SPECIFICATIONS
GROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence within the meaning of New York Education Law §6530(4) (McKinney Supp. 1995) in that Petitioner charges:

3. The facts of paragraphs A and A.1., A and A.2, A and A.3, and/or A and A.4.
4. The facts of paragraphs B and B.1, B and B.2 and/or B and B.3.
5. The facts of paragraphs C and C.1, C and C.2, C and C.3 and/or C and C.4.
6. The facts of paragraphs D and D.1, D and D.2, D and D.3 and/or D and D.4.

SEVENTH SPECIFICATION
GROSS INCOMPETENCE

The Respondent is charged practicing the profession with gross incompetence within the meaning of New York Education Law §6530(6) (McKinney Supp. 1995) in that Petitioner charges:

7. The facts of paragraphs A and A.1, A and A.2, A

and A.3, A and A.4, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, C and C.4, D and D.1, D and D.2, D and D.3 and/or D and D.4.

EIGHTH THROUGH ELEVENTH SPECIFICATIONS

INADEQUATE RECORDS

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient within the meaning of New York Education Law §6530(32) (McKinney Supp. 1995) in that Petitioner charges:

8. The facts of paragraph A and A.1.
9. The facts of paragraphs B and B.1.
10. The facts of paragraphs C and C.1.
11. The facts of paragraphs D and D.1.

DATED: *March 23,* 1995

Albany, New York



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

EXHIBIT "B"

TERMS OF PROBATION

1. NAYAN DAS, M.D., the Respondent, shall, during the period of probation, conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of the address and telephone number of any employment, practice and residence, and of any change in the address or telephone number of Respondent's employment, practice or residence, 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 of OPMC, 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 of OPMC, 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 three months of the period of probation;
5. Beginning no later than 30 days from the effective date of this Order, Respondent must comply with the following:
 - a) When Respondent orders that a patient receive intravenous administration fluids or nutrition, that patient's care shall be reviewed on a daily basis, in person, by a monitoring physician proposed by Respondent and approved in advance in writing by the Director of OPMC; this monitoring physician shall be given a complete copy of this Consent Order. This provision shall remain in effect until the earlier of three years from the effective date of this order, or Respondent demonstrates, as determined solely in

the discretion of the Director of OPMC, that Respondent has demonstrated adequate knowledge of the principles involved in intravenous fluids and nutrition administration, including electrolytes management, and an adequate period of time and number of cases demonstrates successful administration of such fluids without incident;

b) When Respondent is the primary attending for a hospitalized patient, the care of that patient by Respondent shall be reviewed as follows by a monitoring physician proposed by Respondent and approved in advance in writing by the Director of OPMC: Respondent shall notify the monitoring physician of the date of Respondent becoming the primary attending of each patient; the monitoring physician must review and evaluate Respondent's care of the patient within 48 hours of Respondent having assumed the role of primary attending physician, and every two weeks thereafter while the patient remains in the hospital; furthermore, the monitoring physician must also review Respondent's care of the patient the day before discharge of the patient; this monitoring physician shall be given a complete copy of this Consent Order; this provision shall remain in effect for a period of three years from the date that a monitor is approved by the Director of OPMC;

c) Respondent shall assure that the monitoring physicians referred to in subparagraphs (a) and (b) file a written report with the Director of OPMC at least every three months, providing a listing of the cases reviewed by the monitors, and an assessment of the adequacy of the care provided by Respondent to patients and of the adequacy of the medical records created by Respondent; in addition, each monitor shall immediately notify the Director of OPMC of Respondent's failure to fully comply with the terms of probation related to monitoring;

6. Respondent shall successfully complete, to the satisfaction of the Director of OPMC, training program(s) on the topics of intravenous feeding, fluids, electrolyte management, and adequate record keeping, within one year from the effective date of this order. The training program shall be proposed by Respondent, shall cover the topic areas in adequate breadth and depth to permit Respondent to return to the practice of medicine without the need for a monitor, and shall be approved in advance in writing by the Director of OPMC. Each program shall include written testing of Respondent to aid in determining how successful Respondent has been in absorbing the content of the courses;
7. Respondent shall be available for meetings approximately every three months with a staff member of OPMC to discuss his compliance with these Terms of Probation and the order of the Board;
8. Respondent shall make available throughout the probationary period any hospital, office, and/or nursing home medical

records of his patients available for review by OPMC; review may take place, in the discretion of OPMC, either at the hospital, his office, a nursing home, or by Respondent bringing either specified or random records to a meeting with a staff member of OPMC;

9. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
10. All costs associated with training and monitoring Respondent shall be borne by Respondent;
11. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of 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.