STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 11, 1994

Emmanuel M. Somers, M.D.
170 Sands Point Road
Point Washington, NY 11050

Dear Doctor Somers:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on March 9, 1994.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Carla S. O'Day

Carla S. O'Day, M.D.
Secretary

CSO:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 989
RETURN RECEIPT REQUESTED

Mailed 3-16-94

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

EMMANUEL SOMERS, M.D. *

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to Emmanuel Somers, M.D., by the State Medical Board of Ohio on December 9, 1993.

By letter dated December 8, 1993, notice was given to Emmanuel Somers, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Emmanuel Somers, M.D., that being 170 Sands Point Road, Port Washington, New York, 11050.

No request for hearing has been received, and more than thirty days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the December 8, 1993 letter of notice, which is attached hereto and incorporated herein, accordingly, the license of Emmanuel Somers, M.D., to practice medicine and surgery in Ohio be REVOKED.

This ORDER shall become effective IMMEDIATELY.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 9th day of March, 1994, and the original thereof shall be kept with said Journal.

Carla S. O'Day, M.D.
Secretary

(SEAL)

3/10/94
Date

AFFIDAVIT

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Emmanuel Somers, M.D.;

5) That based on such examination, I have found the last known address of record of Emmanuel Somers, M.D., to be:

170 Sands Point Road
Port Washington, New York 11050

6) Further, Affiant Sayeth Naught.

Debra L. Jones

Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, _____,
Notary Public, this _____ day of _____, 19_____.

_____
Notary Public

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

December 8, 1993

Emmanuel M. Somers, M.D.
170 Sands Point Road
Port Washington, NY 11050

Dear Doctor Somers:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about October 14, 1992, the State Board for Professional Medical Conduct, Department of Health, State of New York, entered an Order, adopting your Application for Consent Order and placing your license to practice medicine in New York on probation for two years with certain terms and conditions for practicing the professional with negligence on more than one occasion. Copies of the Order and the Application for Consent Order are attached hereto and fully incorporated herein.

The acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Mailed 12/9/93

December 8, 1993

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 019
RETURN RECEIPT REQUESTED

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

IN THE MATTER	:	
OF	:	ORDER
EMANUEL SOMERS, M.D.	:	BPMC 92-100

Upon the application of EMANUEL SOMERS, 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: 14 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 OF EMANUEL SOMERS, M.D.	APPLICATION FOR CONSENT ORDER

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

EMANUEL SOMERS, M.D., being duly sworn, deposes and says:

That on or about April 21, 1969, I was licensed to practice as a physician in the State of New York, having been issued License No. 103366 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. My address is 170 Sands Point Road, Port Washington, New York 11050.

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

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

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I admit guilt to the First Specification in full satisfaction of the charges against me.

I hereby agree to the penalty of being placed on probation for a period of two years in accordance with the Terms of Probation annexed hereto, made a part hereof, and marked as Exhibit "B".

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.

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EMANUEL SOMERS, M.D.
RESPONDENT

Sworn to before me this
3rd day of Sept, 1993

NOTARY PUBLIC

GENARO ROSARIO
Notary Public, State of New York
No. 31-4972188
Qualified in New York County
Commission Expires Sept. 24, 1993

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

IN THE MATTER OF EMANUEL SOMERS, 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: Sept. 3, 1992

EMANUEL SOMERS, M.D.
RESPONDENT

Date: Sept 15th 1992

NATHAN DEMBIN, ESQ.
ATTORNEY FOR RESPONDENT

Date: Oct. 6, 1992

RALPH J. BAVARO
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Nov. 9, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 14 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	:	AMENDED
OF	:	STATEMENT
EMANUEL SOMERS, M.D.	:	OF CHARGES

EMANUEL SOMERS, M.D., the Respondent, was authorized to practice medicine in New York State on April 21, 1969 by the issuance of license number 103366 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, 1991 through December 31, 1992 from 170 Sands Point Road, Port Washington, New York 11050.

FACTUAL ALLEGATIONS

A. With respect to Patient A, a 59 year old female, Respondent performed a pathological examination of a laryngeal biopsy on or about June 20, 1988, at Flushing Hospital Medical Center, Brooklyn, N.Y. ("Flushing Hospital"). Respondent incorrectly diagnosed squamous cell carcinoma instead of a benign vocal cord nodule. (Patient A and all patients hereinafter mentioned are identified in Appendix A).

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B. With respect to Patient B, a 28 year old female, Respondent performed pathological examination of lymph nodes and other tissue on or about June 19, 1990 at Flushing Hospital. Respondent incorrectly diagnosed lymph nodes as positive for carcinoma.

C. With respect to Patient C, a 88 year old female, Respondent performed a pathological examination of a tonsil biopsy on or about June 1, 1989, at Flushing Hospital. Respondent incorrectly diagnosed squamous cell carcinoma.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law, Section 6530(3), (McKinney Supp. 1992), in that Petitioner charges two or more of the following:

1. The facts contained in Paragraphs A, B and/or C.

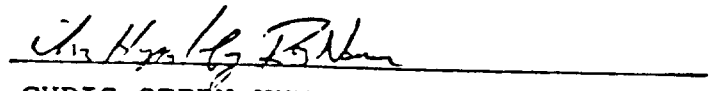
SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Section 6530(5)(McKinney Supp. 1992), in that Petitioner charges two or more of the following:

2. The facts contained in Paragraphs A, B and/or C.

DATED: New York, New York
8/14/92



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. EMANUEL SOMERS, M.D., during the period of probation, 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 imposed by law and by his 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, Corning Tower Building, 4th Floor, Empire State Plaza 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. During the term of this probation, Respondent's pathology practice shall be subject to monitoring by designees of the Director of OPMC. Such monitoring shall include unannounced review of patient records and pathological specimens, visits to Respondent's place or places of