STATE OF OHIO
THE STATE MEDICAL BOARD

VOLUNTARY SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

I, Damrong Hadsaitong, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, Damrong Hadsaitong, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-10-0103, effective April 14, 1994, thereby permanently relinquishing all rights to practice medicine and surgery in the state of Ohio.

I, Damrong Hadsaitong, M.D., do hereby voluntarily, knowingly and intelligently surrender my renewal card in connection with my certificate to practice medicine and surgery, No. 35-10-0103, to the State Medical Board of Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the state of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-10-0103 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing this Voluntary Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I represent that I have not practiced medicine in any state since February 22, 1993, and I have assumed permanent residence outside the United States. I have no current intention to return to the United States to practice medicine or surgery. I am not licensed currently in any state other than the state of Ohio.

I, Damrong Hadsaitong, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings pursuant to Sections 4731.22(B)(22) and 4731.22(B)(6)(a), Ohio Revised Code, as set forth in the notice of opportunity for hearing dated March 9, 1994, which is attached hereto and fully incorporated herein. Nothing contained herein shall be construed as an admission of any allegation.

Signed this 22nd day of June, 1994.

DAMRONG HADSAITONG, M.D.

Witness

Witness

The undersigned agrees to the Volunatary Surrender of Certificate to Practice Medicine and Surgery.

David H. Gossel, Attorney for Damrong Hadsaitong, M.D.

Date: June 24, 1994

Sworn to and subscribed before me this _____ day of _____, 1994.

(This form must be either witnessed OR notarized.)

Accepted by the State Medical Board of Ohio:

CARLA S. O'DAY, M.D
Secretary

8/11/94
Date

RAYMOND J. ALBERT
Supervising Member

8/10/94
Date

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STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 9, 1994

Damrong Hadsaitong, M.D.
71 Kenmore Avenue
Amherst, NY 14226

Dear Doctor Hadsaitong:

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 February 26, 1993, the State Board for Professional Medical Conduct, Department of Health, State of New York, (hereinafter New York Board), issued an Order adopting your Application to Surrender License, striking your name from the State's Roster of Physicians, and prohibiting you from applying for restoration of your medical license within one year of the effective date of the Order (a copy of which is attached hereto and fully incorporated herein). The actions underlying the Order were that in your Application to Surrender License you stated that you were applying for permission to surrender your license to practice as a physician because you did not wish to contest the fifteen specifications of professional misconduct that the New York Board had made against you in the Statement of Charges. In the Statement of Charges the New York Board charged you with practicing with negligence on more than one occasion, incompetence on more than one occasion, gross negligence, gross incompetence, and with failing to make available relevant records.

Your 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

Mailed 3/10/94

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)(a), 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.

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 348 885 070
RETURN RECEIPT REQUESTED

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

----------X

IN THE MATTER :

OF : ORDER

DAMRONG HADSAITONG, M.D. : BPMC 93-33

----------X

STATE MEDICAL BOARD
OF OHIO
93 DEC 29 PM 12:58

Upon the Application of DAMRONG HADSAITONG, M.D. (Respondent) to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 26 February 1993

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 DAMRONG HADSAITONG, M.D.

APPLICATION TO SURRENDER LICENSE

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

STATE MEDICAL BOARD
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DAMRONG HADSAITONG, M.D., being duly sworn, deposes and says:

On or about June 9, 1978, I was licensed to practice as a physician in the State of New York having been issued License No. 134585 by the New York State Education Department.

I am registered with the New York State Education Department to practice as a physician in the State of New York for the period beginning on January 1, 1993 and ending on December 31, 1994. My registration address is 71 Kenmore Avenue, Amherst, New York 14226-0000.

I understand that I have been charged with fifteen specifications of professional misconduct as set forth in the

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not wish to contest the specifications of professional misconduct as set forth in the charges. Nothing contained herein shall be construed as an admission of any specification.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice 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.

Damrong Hadsaitong

DAMRONG HADSAITONG, M.D.
Respondent

Sworn to before me this
18 day of FEBRUARY 1993

Gregory Stamm

NOTARY PUBLIC

GREGORY STAMM
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 11/30/94

STATE MEDICAL BOARD
93 DEC 29 PM 3:

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

IN THE MATTER OF DAMRONG HADSAITONG, M.D.	APPLICATION TO SURRENDER LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 2-18, 1993

DAMRONG HADSAITONG, M.D.
Respondent

Date: 2-18, 1993

GREGORY STAMM, Esq.
Attorney for Respondent

Date: February 24 1993

Frederick Zimmer, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

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DAMRONG HADSAITONG, M.D.

Date: March 2, 1993

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 26 February 1993

CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

STATE MEDICAL
93 DEC 29

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

IN THE MATTER : STATEMENT

OF : OF

DAMRONG HADSAITONG, M.D. : CHARGES

DAMRONG HADSAITONG, M.D., the Respondent, was authorized to practice medicine in New York State on June 9, 1978 by the issuance of license number 134585 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 with a current registration address of 71 Kenmore Avenue, Amherst, New York 14226-0000.

STATE HEALTH DEPT
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FACTUAL ALLEGATIONS

A. Respondent, on or about May 21, 1991 until Patient A's death on May 27, 1991, provided medical care for Patient A (patients are identified in the Appendix) at Sisters of Charity Hospital, 2157 Main Street, Buffalo, New York (hereinafter "Sisters of Charity Hospital"). Patient A, a 70 year old female, was admitted with a two week history of epigastric and back pain. Upon admission, Patient A was discovered to have an

aneurysm of the abdominal aorta of approximately 2-3 centimeters.

1. Respondent, on or about May 24, 1991, performed surgery to repair the aneurysm which was not indicated and/or contraindicated.

2. Respondent, during the above surgery, injured Patient A's aorta resulting in a hemorrhage.

3. Respondent, during the above surgery and thereafter, failed to reestablish blood flow to Patient A's lower left extremity.

4. Respondent, on or about May 26, 1991, attempted to cut down Patient A's bypass graft at her bedside and to administer Urokinase in the intensive care unit rather than in the operating room.

B. Respondent, on or about April 29, 1992, provided medical care for Patient B, at Sisters of Charity Hospital. Patient B, an eighty three year old female, was admitted on or about April 29, 1992, with a diagnosis of pleural effusion. Patient B died on or about April 29, 1992, shortly after a thoracostomy procedure.

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1. Respondent, while inserting chest tubes during the above thoracostomy procedure, caused an injury to Patient B's vascular structure.

2. Respondent failed to recognize and treat the injury.

C. Respondent, from March 31, 1988 until Patient C's death on April 21, 1988, provided medical care for Patient C at Sheehan Memorial Hospital, 425 Michigan Avenue, Buffalo, New York (hereinafter "Sheehan Memorial Hospital"). Patient C, a

33 year old male, who had a history of cocaine use, was admitted on March 31, 1988 with second to third degree burns on thirty percent of his body.

1. Respondent failed to adequately treat Patient C's wounds in a timely manner in that he did not order Silvadene or similar antimicrobial dressings to be applied, until April 2, 1988.

2. Respondent failed to obtain an adequate antibiotic level to address Patient C's Pseudomonas sepsis.

D. Respondent, from on or about April 1, 1992 until Patient D's death on June 5, 1992, provided medical care for Patient D at Sheehan Memorial Hospital. Patient D, an eighty year old male, was admitted with cancer of the rectosigmoid area.

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1. Respondent, during the course of surgery on or about April 2, 1992, perforated Patient D's colon.

2. Respondent, during the above surgery, inappropriately persisted with laparoscopic surgery after causing the perforation in Patient D's colon.

3. Respondent, on or about April 7, 1992, during the course of a surgical procedure to release a small bowel obstruction, failed to relocate Patient D's colostomy.

4. Respondent, on or about April 17, 1992, during the course of surgery to correct further bowel obstructions, lacerated Patient D's small bowel and caused multiple inadvertent enterotomies resulting in two bowel resections.

E. Respondent, beginning on or about December 11, 1991, until Patient E's death on February 7, 1992, provided medical

care for Patient E, a ninety five year old female, at Sheehan Memorial Hospital. Respondent, on or about December 20, 1991, excised an ulcer from Patient E's left leg and, on or about December 24, 1991, performed a cholecystectomy using both laparoscopic and open surgery. Patient E who had been discharged on January 2, 1992, was readmitted on or about January 21, 1992 after suffering a stroke.

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OF OHIO
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1. Respondent, during the cholecystectomy, injured Patient E with the result that Patient E suffered a common bile duct injury.
2. Respondent, on or about January 31, 1992, performed a choledochojejunostomy which was not indicated and/or contraindicated.

F. Respondent, from August 9, 1989 until September 18, 1989, provided medical care for Patient F at Sheehan Memorial Hospital. Patient F, a 70 year old female, had a one year history of intermittent claudication of both legs and increasing pain and blue toe syndrome in her left leg. She was admitted on August 9, 1989 for an aortofemoral arteriogram which showed among other things, tight stenosis of the left superficial femoral artery. On August 10, 1989, during a left superficial femoral artery angioplasty, an embolism was noted in her left distal popliteal artery. Among other surgical procedures, bypass surgery was performed on Patient F on August 14, 1989, an arteriogram was performed on August 16, 1989 and a thrombectomy was performed on August 17, 1989. Patient F's left

leg was ultimately amputated above the left knee on August 26, 1989.

1. Respondent, following the angioplasty of August 10, 1989, failed to perform bypass surgery in a timely manner in that bypass surgery was not performed until August 14, 1989.

2. Respondent, after the above bypass surgery was unsuccessful, failed to perform a completion angiogram and/or order an arteriogram in a timely manner in that a completion angiogram was not performed on August 14, 1989 and an arteriogram was not ordered until August 16, 1989.

3. Respondent failed to perform a thrombectomy in a timely manner in that a thrombectomy was not performed until August 17, 1989.

G. Respondent, pursuant to a New York State Department of Health communication, dated September 25, 1992, was requested to make available medical records regarding an inquiry into Respondent's possible professional misconduct concerning Patients A, B, C, D, E, F, G, H, I and J.

1. Respondent failed to make the above records available to the Department within thirty days of delivery of the above communication.

STATE HEALTH DEPT
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SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Sec. 6530(4) (McKinney Supp. 1992) in that the 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.
2. The facts in Paragraphs B and B.1. and/or B and B.2.
3. The facts in Paragraphs C and C.1, and/or C and C.2.
4. The facts in Paragraphs D and D.1, D and D.2, D and D.3, and/or D and D.4.
5. The facts in Paragraphs E and E.1, and/or E and E.2.
6. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence under N.Y. Educ. Law Sec. 6530(6) (McKinney Supp. 1992) in that the Petitioner charges:

7. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.
8. The facts in Paragraphs B and B.1. and/or B and B.2.
9. The facts in Paragraphs C and C.1, and/or C and C.2.

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

11. The facts in Paragraphs E and E.1, and/or E and E.2.

12. The facts in Paragraphs F and F.1, F and F.2, and/or F and F.3.

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THIRTEENTH 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 Sec. 6530(3) (McKinney Supp. 1992). The Petitioner charges that Respondent committed at least two of the following:

13. The facts in 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, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2, F and F.1, F and F.2, and/or F and F.3.

FOURTEENTH 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 Sec. 6530(5) (McKinney Supp. 1992). The Petitioner charges that Respondent committed at least two of the following:

14. The facts in 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, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2, F and F.1, F and F.2, and/or F and F.3.

FIFTEENTH SPECIFICATION

FAILING TO MAKE AVAILABLE RELEVANT RECORDS

Respondent is charged with professional misconduct under N.Y. Educ. Law Sec. 6530(28) (McKinney Supp. 1992) in that he failed to make available to the New York State Department of Health within thirty days relevant records with respect to an inquiry or complaint about the licensee's professional misconduct, in that the Petitioner charges:

15. The facts in Paragraphs G and G.1.

DATED: Albany, New York
January 8, 1993

STATE MEDICAL BOARD
OF OHIO
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Peter D. Van Buren

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