



Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

April 2, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Selwyn J. Pereira, M. D.
65 Lauren Avenue
Dix Hills, NY 11746

RE: License No.079774

Effective Date: April 9, 1992

Dear Dr. Pereira:

Enclosed please find Order #BPMC 92-27 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

Enclosure

cc: W. Russell Corker
Shayne, Dachs, Stanisci, Corker & Sauer
250 Old Country Road
3rd Floor
Mineola, NY 11504

Dawn A. Dweir, Esq.

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

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IN THE MATTER :
OF : ORDER
SELWYN PEREIRA, M.D. : #92-27

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Upon the application of Selwyn Pereira, 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: 30 March 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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
SELWYN J. PEREIRA, M.D. :
: ORDER
-----X

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

SELWYN J. PEREIRA, M.D., being duly sworn, deposes and says:

That on or about September 11, 1957 I was licensed to practice as a physician in the State of New York, having been issued License No. 079774 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 65 Lauren Avenue, Dix Hills, New York 11746.

I understand that the New York State Board of Professional Medical Conduct has charged me with four 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 second specification to extent that it includes the facts in paragraphs A and A(2)(a), A(2)(b), A(2)(c) and A(3); the third specification to the extent that it includes the facts in paragraphs A and A(2)(a), A(2)(b), A(2)(c), A(3) and A(4) and the Fourth specification to the extent that it includes the facts in paragraphs A and A(2)(a), A(2)(b) and A(4).

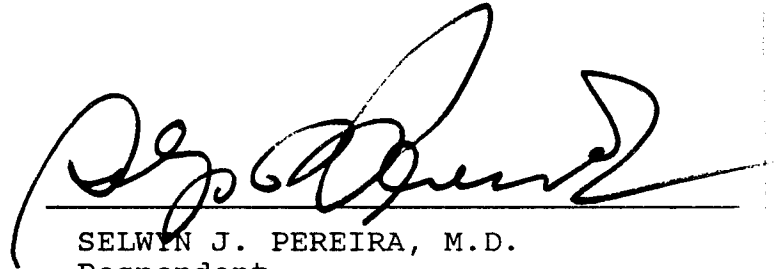
I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for 3 years, that the execution of said suspension be stayed and that I then be placed on probation for 3 years as set forth in the terms of probation which are annexed hereto, made a part hereof 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.

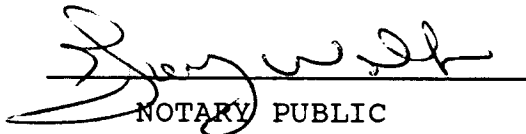
I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict 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 Chairman of the Board shall 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.


SELWYN J. PEREIRA, M.D.
Respondent

Sworn to before me this
16 day of March, 19 62


NOTARY PUBLIC

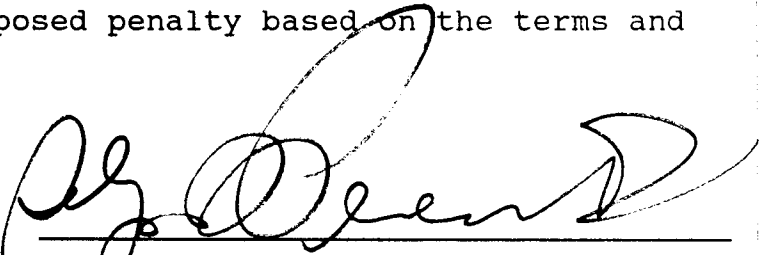
GARY WOLK
NOTARY PUBLIC, State of New York
No. 4816293
Qualified in Suffolk County
Term Expires April 30, 1962

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
SELWYN J. PEREIRA, M.D. : CONSENT
: ORDER
-----X

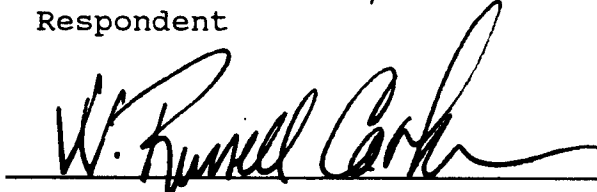
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 3/16/92




SELWYN J. PEREIRA, M.D.
Respondent

Date: 3/19/92



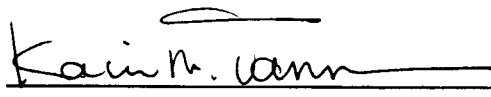
W. RUSSEL CORKER, ESQ.
Attorney for Respondent

Date: 3/25/92



DAWN A. DWEIR
Associate Counsel
Bureau of Professional
Medical Conduct

Date: April 1, 1992



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 30 March 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

-----X

IN THE MATTER : STATEMENT
OF : OF
SELWYN J. PEREIRA, M.D. : CHARGES

-----X

SELWYN J. PEREIRA, M.D., the Respondent, was authorized to practice medicine in New York State on September 11, 1957 by the issuance of license number 079774 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 at 65 Lauren Avenue, Dix Hills, NY 11746.

- A. During a period beginning in or about September, 1968 and continuing through in or about June, 1986, Respondent was Patient A's treating psychiatrist. (Patient A is identified in the appendix.) Respondent treated Patient A at his office located at 42 High Street, Huntington, New York until in or about September, 1982 and from 65 Lauren Avenue, Dix Hills, New York thereafter.
1. In or about the spring of 1980, Respondent entered into a sexual relationship with Patient A. The sexual relationship included sexual intercourse during therapy

"EXHIBIT A"

appointments. The sexual relationship continued for a period of five years until in or about 1985.

2. Respondent's treatment of Patient A over the 18 year period that she was in his care included prescriptions for medications including Tofranil, Mellaril, Lidone, Cogentin, Lithium, Adapin, Tranxene, Haldol, prostigmine, Librium, Nardol and Imipramine.
 - a) Respondent failed to adequately monitor and record Patient A's response to lithium.
 - b) Following a therapy session on September 9, 1980 during which Respondent noted that Patient A had experienced a week of hallucinations, Respondent failed to adequately track and record the medications that he prescribed for Patient A and her response to these medications.
 - c) In or about February, 1984, Respondent prescribed 100 tablets of 300 mgs., lithium, Tofranil and Tranxene despite the fact that Patient A had just been discharged from a hospitalization in connection with abusing these drugs as part of a suicide attempt.

3. Despite clear indication that Respondent's therapeutic relationship with Patient A was counterproductive to her recovery, Respondent failed to make appropriate efforts to refer Patient A for more appropriate treatment.
4. Respondent failed to maintain a record for Patient A which accurately reflects the evaluation and treatment of Patient A.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

IMMORAL CONDUCT BY A PSYCHIATRIST

The Respondent is charged with professional misconduct in the practice of psychiatry, in that he engaged in contact of a sexual nature with a patient, within the meaning of N.Y. Educ. Law sec. 6530(44)(a) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in paragraphs A and A(1).

SECOND SPECIFICATION

GROSS NEGLIGENCE

The Respondent is charged with professional misconduct by reason of his practicing medicine with gross negligence within the meaning of NY Educ. Law Section 6530(4) (McKinney Supp. 1992), in the Petitioner charges:

2. The facts in paragraphs A and A(1), A(2)(a), A(2)(b), A(2)(c) and A(3).

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

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

3. The facts in paragraphs A and A(1), A(2)(a), A(2)(b), A(2)(c), A(3) and/or A(4).

FOURTH SPECIFICATION

POOR RECORDS

The Respondent is charged with professional misconduct in that he failed to maintain a patient record which accurately reflects the evaluation and treatment of the patient within the meaning of N.Y. Educ. Law sec. 6530(32) (McKinney Supp. 1992) in that Petitioner charges:

4. The facts in paragraphs A and A(2)(a), A(2)(b) and A(4).

DATED: New York, New York

February 27, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical
Conduct

TERMS OF PROBATION

1. That Respondent, 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, Empire State Plaza, Tower Building, 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, 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 of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his 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 of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding may be initiated against Respondent pursuant to the Public Health Law.