



Public

**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

October 13, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Pierre Jean Jacques Renelique, M.D.
Redacted Address

Pierre Jean Jacques Renelique, M.D.
870 Central Avenue
Far Rockaway, New York 11691

Robert Bogan, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – Suite 303
Troy, New York 12180

Jeffrey M. Rubin, Esq.
Rubin & Shang
9 East 40th Street
New York, New York 10016

RE: In the Matter of Pierre Jean Jacques Renelique, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 09-186) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

IN THE MATTER
OF
PIERRE JEAN JACQUES RENELIQUE, M.D.

DETERMINATION

AND

ORDER

BPMC #09-186

A hearing was held on September 23, 2009, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated June 10, 2009, were served upon the Respondent, **Pierre Jean Jacques Renelique, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Walter T. Gilsdorf, M.D.**, Chairperson, **Richard F. Kasulke, M.D.**, and **David F. Irvine, DHSc., RPA-C**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared in person and was represented by **Rubin & Shang, Jeffrey M. Rubin, Esq.**, of Counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

BACKGROUND

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a

violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Pierre Jean Jacques Renelique, M.D.
Ernst Jean, M.D.
Jean J. Lochard, M.D.
Ms. Bridgette Rowe
Ms. Claudia Lucien
Sherma Brown, L.P.N.
Perla Tate, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Pierre Jean Jacques Renelique, M.D., the Respondent, was authorized to practice medicine in New York State on January 29, 1990, by the issuance of license number 181349 by the New York State Education Department (Petitioner's Ex. 4).

2. On February 16, 2009, the Florida Board of Medicine ("Florida Board"), by a Final Order ("Florida Order"), revoked the Respondent's license to practice medicine and imposed \$18,191.30 in costs, based on medical malpractice in the care and treatment of a patient; failing to keep legible medical records that identify the licensed physician or physician extender and that justify the course of treatment for the patient; and delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them. (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(2) - "Practicing the profession fraudulently or beyond its authorized scope;"
- New York Education Law Section 6530(3) - "Practicing the profession with negligence on more than one occasion;"
- New York Education Law Section 6530(25) - "Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them;"

- New York Education Law Section 6530(30) - "Abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care...;" and

- New York Education Law Section 6530(32) - "Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient...;"

The Statement of Charges also alleged that the Respondent's conduct, had it occurred in New York State, would have constituted professional misconduct under New York Education Law Section 6530(33) – "Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee;" This part of the definition of professional misconduct does not apply because the persons in question were not authorized to perform the medical procedures at issue even under the supervision of a physician.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken by a duly authorized disciplinary agency of another state, where the conduct resulting in the

revocation and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Florida Board revoked the Respondent's license to practice medicine based on his treatment of one patient, SW. SW, who was 23 weeks pregnant, wanted an abortion. The Respondent first saw SW on July 19, 2006, and prepared her for an abortion to be performed on the following day. He inserted several laminaria into SW's cervix. Cervical laminaria cause the cervix to dilate or ripen. The Respondent also prescribed Cytotec and two other medications. Cytotec causes uterine contractions and dilates the cervix. The Florida Order held that cervical laminaria and Cytotec should not be used together because they both are designed to ripen the cervix. The Respondent told SW to arrive at a clinic in Hialeah at 9:00 A.M. the next day for observations and that the abortion would begin at 2:00 P.M. The Respondent's medical record for this visit contains almost no information. It does not mention the medications that were prescribed. The only entry on SW's chart was, "Cx lam inserted 7/19/06."

SW arrived at the Hialeah clinic at 9:30 A.M. on July 20, 2006. She was told by a staff member that no other staff members were present. SW decided to wait in her car. At 11:45 A.M., SW began to feel ill and went back into the clinic. A staff member told her to go into the patient room, disrobe and lay down. The Respondent was contacted by telephone and said that he would arrive around noon. However, the Respondent received word that another patient at another clinic was unstable and losing blood. The Respondent decided that he needed to attend to the other patient first. He was contacted by telephone multiple times between noon and his arrival at the Hialeah clinic at approximately 3:00 P.M. SW's distress worsened at 1:30 P.M and at 2:00 P.M. she

delivered the fetus without assistance from any staff member. The Respondent should have determined from the telephone calls that SW was in active labor and that she needed the care of a physician before the Respondent was going to be able to provide it. He should have either arranged for another physician to go to the Hialeah clinic or arranged for SW to be taken to a hospital.

When the Respondent arrived at the Hialeah clinic, no staff member told him that the fetus had been delivered. The Respondent told an unlicensed staff member to start an IV in SW. The staff member was unable to accomplish this procedure. This constitutes delegating a professional responsibility to a person whom the Respondent knew or had reason to know was not qualified to perform the procedure by training, experience, or licensure.

The Respondent performed a dilation and extraction procedure and discovered that there was no fetus in the fetal sac. Staff then told him that SW had delivered the fetus. Despite this, the Respondent claimed in the patient record that he had performed a dilation and extraction abortion.

It is apparent that the Respondent did not provide adequate medical care to SW. However, the Respondent's evidence concerning the quality of his medical care in general was so impressive that it is concluded that his treatment of SW was an atypical, isolated event that does not represent the quality of care that the Respondent normally provides. Eighteen people traveled from New York City to Troy, the location of the hearing, to show their support for the Respondent. Two of them were physicians, one was the Respondent's son and the rest were patients or former employees. Those who testified had nothing but the highest praise for the Respondent's medical care and dedication to his patients.

Dr. Jean, the Medical Director at St. Vincent's Hospital in Queens, New York, testified that he has known the Respondent for over thirty years and that he directly supervised the Respondent from 1998 to 2001. Dr. Jean testified that the Respondent, throughout his career, has provided exceptional obstetrical care to an inner city population that included many pregnant women who were chemically dependent and HIV positive. Dr. Jean testified that the Respondent delivered healthy babies to this high-risk population. Dr. Jean also noted the Respondent's charity work over the last twenty years. The Respondent has secured donations of money and medical equipment for hospitals in Haiti. The Respondent has donated his own money to this cause.

Dr. Lochard testified that he has known the Respondent for twenty years and that they were in a group practice together for seven or eight years. Dr. Lochard praised the Respondent's work and honesty. He testified that the Respondent had a good reputation in the community. Dr. Tate testified by telephone. She testified that she has known the Respondent for 28 years and has worked with him many times. She praised the Respondent and described him as a respectful, honest and well-trained physician.

Ms. Rowe testified that the Respondent had delivered her daughter. She testified that the Respondent is "always there for you" and that he always explains what he is doing. She testified that there is no other doctor like the Respondent. Ms. Lucien testified that the Respondent has been her gynecologist since 2004 and that every time she has needed him, he was there for her.

Ms. Brown is a licensed practical nurse who worked for the Respondent for nine years. She described the Respondent as an excellent doctor. She testified that the Respondent did not turn away people who did not have health insurance.

In addition to the testimony of these witnesses, it should be noted that the Respondent is so dedicated to his patients that he makes house calls.

The Respondent is a physician who provides excellent medical care to an inner city poor population. These patients should not be deprived of this valuable resource. This Hearing Committee's responsibility to protect the public from physicians who have committed professional misconduct will be served by placing the Respondent on probation.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent, Pierre Jean Jacques Renelique, M.D., is placed on probation for two years. The terms of probation are stated in paragraphs 2 through 13 of this Order.

2. The Respondent 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 and obligations imposed by law and by his profession.

3. The Respondent shall submit to the Office of Professional Medical Conduct ("OPMC") (NYS Department of Health, Office of Professional Medical Conduct, Hedley Park Place, 433 River Street, Suite 303, Troy, New York 12180-2299), written notification of any change in employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.

4. The Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of the Respondent's compliance with the terms of this Order and shall personally meet with a person designated by OPMC when so requested.

5. The period of probation shall be tolled during periods in which the Respondent is not engaged in the active practice of medicine in New York State. After the period of active probation begins, the Respondent shall notify OPMC, in writing, if the Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of 30 consecutive days or more. The Respondent shall notify OPMC again prior to any change in that status. The period of probation shall

resume and any terms of probation which were not fulfilled shall be fulfilled upon the Respondent's return to practice in New York State.

6. The Respondent's professional performance may be reviewed by OPMC. This review may include, but shall not be limited to, a review of office records, patient records and hospital charts, interviews with or periodic visits with the Respondent and his staff at practice locations or OPMC offices.

7. The Respondent shall maintain legible and complete medical records that accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State regulations regarding controlled substances. The Respondent shall successfully complete a medical record keeping course within six months of the effective date of this Order.

8. During the period of probation, the Respondent shall be monitored by a practice monitor, who must be a licensed physician, board certified in an appropriate specialty, proposed by the Respondent and subject to the written approval of OPMC. An approved practice monitor must be in place within 30 days of the effective date of this Order.

9. The Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The monitor shall visit the Respondent's medical practice at each and every location, on a random, unannounced basis at least monthly and shall examine at least ten records maintained by the Respondent, including patient records, prescribing information and office records. The purpose of this review is to determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation from accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

10. The Respondent shall be solely responsible for all expenses associated with monitoring, including fees to the monitoring physician.

11. The Respondent shall cause the practice monitor to report quarterly, in writing, to OPMC.

12. The Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2,000,000.00 per occurrence and \$6,000,000.00 per policy year, in accordance with Public Health Law Section 230(18)(b). Proof of coverage shall be submitted to OPMC prior to the Respondent's practice after the effective date of this Order.

13. Upon receipt of evidence of noncompliance with the terms of probation, OPMC or the State Board for Professional Medical Conduct may initiate a violation of probation proceeding and/or any other proceeding against the Respondent as may be authorized by law.

14. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Lafayette, New York

OCT 10, 2009

Redacted Signature

Walter T. Gilsdorf, M.D.
Chairperson

Richard F. Kasulke, M.D.
David F. Irvine, DHSc., RPA-C

APPENDIX I

EV 9/23/09 JW

IN THE MATTER
OF
PIERRE JEAN JACQUES RENELIQUE, M.D.
CO-09-02-0716-A

NOTICE OF
REFERRAL
PROCEEDING

TO: PIERRE JEAN JACQUES RENELIQUE, M.D.

Redacted Address

PIERRE JEAN JACQUES RENELIQUE, M.D.
870 Central Avenue
Far Rockaway, NY 11691

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22nd day of July, 2009, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here Redacted Signature

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

June 10, 2009

Redacted Signature

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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
PIERRE JEAN JACQUES RENELIQUE, M.D.
CO-09-02-0716-A

STATEMENT
OF
CHARGES

PIERRE JEAN JACQUES RENELIQUE, M.D., Respondent, was authorized to practice medicine in New York state on January 29, 1990, by the issuance of license number 181349 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 16, 2009, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), REVOKED Respondent's license to practice medicine and imposed \$18,191.30 in costs, based on medical malpractice in the care and treatment of a patient; failing to keep legible medical records that identify the licensed physician or physician extender and that justify the course of treatment for the patient; and delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

B. The conduct resulting in the Florida Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(25) (delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them);
4. New York Education Law §6530(30) (abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care);

5. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or

6. New York Education Law §6530(33) (failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

DATED: *June 10*, 2009
Albany, New York

Redacted Signature

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