

---

WORLD	U.S.	N.Y. / REGION	BUSINESS	TECHNOLOGY	SCIENCE	HEALTH	SPORTS
-------	------	---------------	----------	------------	---------	--------	--------

---

## Hospital Says It Barred Doctor in Abortion Death

By LISA BELKIN  
Published: July 16, 1993

---

# Hospital Says It Barred Doctor in Abortion Death

By LISA BELKIN

Published: July 16, 1993

**Original article found online at:** <http://www.nytimes.com/1993/07/16/nyregion/hospital-says-it-barred-doctor-in-abortion-death.html>

The Queens doctor who apparently performed an abortion that led to the death of a 33-year-old woman last week had been barred from surgery at a hospital because of incompetence, an administrator said yesterday.

"He didn't even meet what I would consider the bare minimum standard of care," Dr. Anthony N. Dardano, former chief and now vice chairman of the department of obstetrics and gynecology at St. Elizabeth's Hospital in Utica, N.Y., said of Dr. David Benjamin, who was then known as Elyas Bonrouhi. "We got rid of him."

Since Guadalupe Negron died during a second-trimester abortion in Dr. Benjamin's office last Friday, details have emerged of attempts by the New York State Department of Health and other doctors to stop Dr. Benjamin from practicing by charging him with dozens of counts of professional misconduct and incompetence. Series of Accusations

The accusations have included operating without an anesthetic, attempting complicated deliveries in his office despite patient objections, and sewing the wrong parts of a woman's anatomy together after an operation. The charges resulted in a three-month suspension of his medical license in 1986.

After the suspension, Dr. Benjamin returned to practice. His last office, the Metro Women's Center on Roosevelt Avenue in Corona, was a dark, filthy, poorly ventilated room without the equipment necessary for surgical procedures like abortions, according to a paramedic who tried to revive Ms. Negron.

The paramedic, Freddy Noboa, said he found the woman with a breathing tube erroneously inserted in her stomach instead of her lungs, so that her oxygen mask had filled with stomach fluid. The doctor on the scene would not give his name to the paramedics, but State Health Department officials say they are certain it was Dr. Benjamin.

"It was a horror scene," said Mr. Noboa, who works for the city's Emergency Medical Service and is based at New York Hospital Center in Queens. During 11 years as a paramedic, he said, "I've seen shootings, stabbings, you name it. But this stopped me in my tracks."

Dr. Dardano said that although he could not evaluate Dr. Benjamin's actions in Ms. Negron's death, he said he had feared that Dr. Benjamin would seriously harm a patient some day.

"With his past record, it was just a matter of time," he said. Asked to Leave by Hospital

In early 1980, Dr. Dardano said, Dr. Benjamin applied to St. Elizabeth's for the right to send patients to the hospital and treat them there, but was turned down. "We asked around about him and we didn't like what we heard."

He said that Dr. Benjamin sued the hospital, saying it had a legal obligation to allow any licensed physician to treat patients there. As a result of the suit, Dr. Dardano said, Dr. Benjamin was allowed to practice at St. Elizabeth's, but only when Dr. Dardano was present.

"I was required to be the total supervisor of his work," Dr. Dardano said. "I had to be on his neck for everything he did."

After one weekend, Dr. Dardano recalled, it was decided that "his work was not to our standards."

Dr. Benjamin was asked to leave the hospital. He began to treat patients in his home, Dr. Dardano said, and eventually complaints about that practice by patients and other doctors led to action against him by the State Department of Health. Complaints by Patients

The allegations against Dr. Benjamin involved the cases of 11 patients who were treated by the doctor between 1982 and 1984, according to a copy of the charges.

In one case, Dr. Benjamin was accused of continuing vaginal surgery after the patient complained that the local anesthetic had worn off. According to the state report, the patient "was screaming from pain."

In a second case, Dr. Benjamin insisted on delivering a baby in his office, despite the patient's requests to be taken to a hospital, the report said. The patient eventually went to the hospital anyway. The report charges that Dr. Benjamin then offered the patient and her husband \$150 to tell state investigators that the birth had been scheduled to take place at home, not in his office.

Several cases involved allegations of sloppy surgery. The state charged that in one instance, after a Caesarean section, Dr. Benjamin began to sew the front of a woman's uterus to the back of the uterus, rather than reconnecting the top half of the incision to the bottom half.

When the charges were filed in 1985, the State Department of Health ordered an emergency revocation of Dr. Benjamin's license. But the Board of Regents, which at that time had the final say in cases of medical misconduct, decided to suspend his license for three months instead. New Charges Brought

Partly in response to cases like Dr. Benjamin's, the revocation process has been changed, said Peter Slocum, a State Health Department spokesman. In the year since those changes were made, he said, there have been 30 appeals of disciplinary decisions and in all cases the original decisions were upheld or the punishments were increased.

New charges were brought against Dr. Benjamin last October and a decision is expected shortly, Mr. Slocum said. But a recent court ruling prohibits the release of information about cases in progress, he said, so he would not discuss the nature of the charges.

The department is investigating the death of Ms. Negron, who was married and the mother of four children. The Queens District Attorney, Richard A. Brown, is also conducting an investigation.

Dr. Benjamin is apparently missing, officials said. There was no answer at his office, and neighbors near his home in Bayside, Queens, said they saw his family packing their car on Friday night.

Mr. Noboa, the paramedic, said that when he arrived at the clinic Friday, he was struck by Dr. Benjamin's appearance -- he was sweating profusely -- and seeming lack of concern for his patient.

"All he kept saying was, 'When you get to the E.R., make sure you tell them I gave O2,' " Mr. Noboa said, referring to oxygen. "Nothing about the fact that the woman had died. It was frightening."