

Fired Dutchess Doctor Involved in 7 Malpractice Suits

By Sarah Bradshaw
Poughkeepsie Journal

An orthopedic surgeon with offices in Hopewell Junction, Fishkill and Poughkeepsie was fired from his medical group and is or has been a defendant in seven Dutchess County medical malpractice lawsuits in five years, including one surgery that allegedly resulted in a patient's death.

Among the allegations against Dr. Spyros Panos is that he performed surgeries but intentionally did not treat or properly treat patients' injuries.

Mid Hudson Medical Group President Joseph Garvey said Panos was "terminated from our group for not meeting our professional standards.

"We expect all of our physicians to meet the highest standards of integrity," he said. Garvey said the decision to terminate Panos was made by the group's board of directors and was effective in July. He wouldn't say specifically how Panos stopped meeting the groups' standards, but he added, "We became aware of this over the early part of this year."

Panos didn't respond to Journal messages left on his Hopewell Junction home's answering machine. One of his lawyers, Jonathan Symer of Poughkeepsie's

Steinberg & Symer, refused to contact Panos or comment on the allegations.

Another law firm that represents Panos, Feldman, Kleidman & Coffey, didn't return several messages.

The American Board of Orthopaedic Surgery said Panos' certification was completed in July 2002 and he passed his recertification exam, valid through Dec. 31, 2022.

After his termination, he resigned his privileges to perform surgeries at Saint Francis Hospital in August and Vassar Brothers Medical Center this summer, according to the hospitals' spokespeople, Larry Hughes and Theresa Mulkins, respectively.

Jeffrey Hammond, a spokesman for the state Department of Health, said no state disciplinary action has been taken against Panos by the department.

By policy, the health department's Office of Professional Medical Conduct cannot reveal if Panos or any doctor is under investigation, Hammond said. Panos had been with Mid Hudson Medical Group since 1999.

Frequent litigation

According to Dutchess County Supreme Court files, Spanos was sued or is currently involved in litigation in seven medical malpractice suits filed between 2006 and August of this year, with four cases filed in the last two years. Four are active cases, one from 2006, one from 2009 and two from this year.

Garvey claimed Panos' lawsuit "track record had been very good" because the doctor "did not receive lawsuits with a great frequency."

He later added that it was hard to say what a good track record was because "it's tough to compare physician to physician and specialty to another specialty."

Michael S. Kelton, a partner at the New York City office of the law firm Abrams, Fensterman, Fensterman,

Eisman, Formato, Ferrara & Einiger LLP and the firm's medical malpractice defense director, said orthopedic surgeons aren't sued disproportionately more than other physicians when it comes to medical malpractice. Obstetricians and neurosurgeons are at a higher risk for legal action, he said.

Kelton has 33 years of medical malpractice litigation experience and is not connected to the Panos lawsuits.

JT Wisell, a Queens lawyer who represented two plaintiffs in separate suits, one that was settled and another that is ongoing, alleged Panos was a "relatively good clinician" who performed "faulty surgeries" for his own financial benefit.

"He was drawing these people in and using them and never fixing them," Wisell said during a Journal interview.

Luis Solimano, a lawyer with the Law Offices of William A. Gallina, Bronx County, said he received "four or five" complaints from Panos' former patients, who alleged they were the victims of medical malpractice. He pursued one lawsuit against Panos that was settled out of court.

Without identifying a complainant, Solimano alleged that one patient went in for a surgery with Panos, but when the pain continued and the patient went for a second opinion, the new doctor said the surgery hadn't been performed.

Solimano said he couldn't disclose more information due to client privacy.

Kelton said he couldn't recall a malpractice claim against an orthopedic surgeon in which the surgeon said he or she performed surgery and the patient underwent anesthesia, but the surgery wasn't actually performed. "That's very unusual," Kelton said.

Negligence claim

Pleasant Valley widow Sylvia Puiatti is suing Panos on behalf of her deceased husband, Bernard Puiatti. He died at age 78 on Jan. 19, 2008, at Vassar Brothers, according to her lawsuit.

Her suit, filed in March 2009, alleges that Panos' negligence occurred between Oct. 1, 2007 and Jan. 19, 2008. It states that Panos injected steroids into Bernard Puiatti's right knee and failed to recognize, diagnose and treat the signs and symptoms of infection and sepsis, which the suit says killed him.

Panos failed to notice his patient's elevated white blood cell count, consult with an internist or order a consultation from a cardiologist and then administered "inappropriately high levels of IV fluid to a 78-year-old with an abnormal heart," her court documents state.

The response of Panos' law firm, Feldman, Kleidman & Coffey, in the suit was that the negligence claim was "improper and over broad and redundant," according to court documents.

The county Supreme Court set a trial date for November, Puiatti said.

"It was such a horrible thing that happened that I'd like to put it behind me, but my children don't agree. They feel certain facts should be brought out," Puiatti said, declining to comment specifically about the case. Panos' lawyer didn't return Journal phone messages.

Puiatti's lawyer, Jeff Schietzelt, said Panos made "a bad decision and failed to detect an infection and that led to our client's death."

Poughkeepsie resident Keith Dingman settled his lawsuit against Panos. The settlement date wasn't disclosed in the lawsuit.

The suit stated he was under Panos' care from January 2006 to April 2007. As a result, Dingman became sick and disabled, the suit said. He suffered injuries, pain and mental anguish, and sought medical care elsewhere, the suit said.

Dingman's case stated he wasn't told of alternatives to his treatment or the risks and benefits involved. He would not have undergone treatment if he had been fully informed, the case alleged.

"It's unfortunate. I really like Mid Hudson Medical Group and as a patient I went there expecting to get quality medical care and unfortunately that didn't happen," Dingman told the Journal in a phone interview. He declined to speak further, given the settlement terms of his case.

Case settled

Wappingers Falls resident Gary Flynn filed a suit against Panos in August 2010 that was settled out of court. He was represented by Wisell.

Flynn alleged in the suit that Panos departed from proper medical practice and failed to perform a surgical procedure as indicated in Panos' surgery records. His injuries became worse and he underwent a second surgery, the suit said. It is unclear in the suit if Panos performed the second surgery.

The lawsuit stated Flynn had an X-ray of his right shoulder on Dec. 31, 2007, revealing an upper arm muscle tear and swelling in a joint in his shoulder.

Flynn included Mid Hudson Medical Group in the lawsuit for allegedly failing to supervise and train Panos, the suit said. He didn't return Journal phone calls seeking an interview.

Regarding Mid Hudson Medical Group being named in the lawsuit, Garvey said, "It's not uncommon for plaintiffs to name a physician's practice in addition to the physician. This would apply to any actions against Dr. Panos as well."

Thelma McLane was a patient of Panos' beginning Oct. 5, 2004. He caused and contributed to injuries sustained by McLane by being careless, reckless and negligent in her care and treatment, according to her lawsuit.

Neither her law firm, Birbrower, Beldock & Margolis in Rockland County, or his, Poughkeepsie-based firm Steinberg & Symer, returned Journal phone calls for an interview.

She had permanent injuries, her suit stated, but it did not identify those injuries.

Panos' surgical records are not accessible because of the Health Insurance Portability and Accountability Act.