

Before the  
New Hampshire Board of Registration in Podiatry  
Concord, New Hampshire 03301

In the Matter of )  
 )  
Stanley A. Gorgol, D.P.M. ) Docket No. 88-001  
License No. 0128 )

DECISION

By the Board: Chris Panagoulis, D.P.M., chairman; Paul Fachada, D.P.M., Roderick Bachmann, D.P.M., and Kevin Monahan, public member. Leon Hickey, D.P.M. did not participate.

Appearance: Stephen Wight, Esq., for the Complainant.

Background

This is a disciplinary proceeding conducted by the New Hampshire Board of Registration in Podiatry ("the Board") under RSA 315:9 for the purpose of examining allegations of unprofessional conduct against Stanley A. Gorgol, D.P.M. ("Respondent"). These allegations were based upon a February 13, 1988 complaint filed by Marie V. Lynch ("Complainant") of Andover, Massachusetts.

A Notice of Hearing was served April 26, 1988, which specified four principal issues to be examined by the Board:

- 1) Whether surgery was appropriate treatment for the Complainant's ingrown toenails and, if so, whether Dr. Gorgol performed this surgery properly;
- 2) Whether Dr. Gorgol gave the Complainant adequate follow up care;
- 3) Whether Dr. Gorgol suggested that the Complainant attend a pain clinic and, if so, whether this suggestion was based upon the patient's legitimate medical needs or for the purpose of humiliating her;
- 4) Whether the Respondent refused to release the Complainant's medical records except on the condition that he receive a written request from another physician and, if so, whether this refusal was made without reasonable notice to the Complainant.

A hearing was held in Concord, New Hampshire, on September 30, 1988, at which Dr. Gorgol appeared and gave testimony. Testimony was also provided by Mr. Charles Lynch (husband of complainant). Attorney Stephen Wight represented Mrs. Lynch.

#### Finding of Facts

The Respondent was licensed to practice podiatric medicine in New Hampshire in 1977, and has operated a practice in Salem, New Hampshire since that time.

Marie V. Lynch is a housewife living in Andover, Massachusetts. She had been seeing a podiatrist Benjamin Hollins in North Andover, Massachusetts who had been cutting and trimming her nails, and visited him on June 29, 1987, October 23, 1987, December 11, 1987. On the last visit she had brought to Dr. Hollin's attention that the skin around the nails of her great toes were reddening and he dressed them with cotton and he directed her to basically try to keep the nails away from her skin. Shortly thereafter, she saw her family physician, Dr. Savitz, to examine her for that and other physical problems. With reference to the toes, it was suggested that she see a podiatrist. She received apparently a positive reference from a friend and made an appointment with Dr. Gorgol.

On December 16, 1987, five minutes after Mrs. Lynch met Dr. Gorgol, he performed surgery on both great toes. He assured her that this was a very routine procedure to correct ingrown toenails and he was the best in the area at doing it. He said all she would need for a few days after the surgery was Advil, and gave her no instructions on the care of her feet other than soaking. She continued to have pain for nine weeks in the left toe incision, and it remained open and draining. After four weeks when she was upset and discouraged by all the pain and complications Dr. Gorgol suggested the respondent go to a pain clinic. The Complainant felt humiliated by this suggestion, but this was a subjective response. No insult was intended and there was no reason for her to have discounted the respondent's suggestion.

## Discussion and Conclusions

The Board finds no specific inappropriate action by Dr. Gorgol in the treatment and follow-up care of the patient, but believes that much of the problem in this case stems from inadequate understanding between the patient and doctor as to the nature of the surgical procedure and its possible risks and complications. The board suggests in the future Dr. Gorgol spend more time in the evaluation and education of his patient prior treatment to alleviate such a breakdown in communication between the doctor and patient. In the future Dr. Gorgol shall provide a more thorough pre-surgical consultation to the patient, not his office staff. Because of the common misconception regarding insurance coverage the Board suggests that Dr. Gorgol assume responsibility to disclose all fees ahead of time, it should not be the responsibility of the patient to inquire.

- 1) Mrs. Lynch's clinical findings in December 1987 indicated that professional care was warranted, and the Respondent's recommendation for surgery was appropriate and appears to have been done properly. Although there is no medical evidence to establish that the procedure itself was not done properly, Dr. Gorgol clearly did not follow proper pre-operative procedures in this instance.
  - 2) Adequate follow up care was provided to this patient and it was the patient's decision to terminate follow-up care.
  - 3) If a suggestion of attendance at a pain clinic was made it would be in the standard of post operative care and not for the purpose of humiliating the patient.
  - 4) Dr. Gorgol's handling of release of patient records was within standards.
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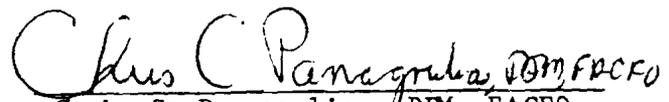
With regard to the specific issues designated for hearing, the Board concludes that:

- 1) Surgical correction of the Complainants ingrown toenails was the appropriate treatment.
- 2) Dr. Gorgol rendered adequate follow up care.
- 3) Referral to a pain clinic would be the standard of post-operative care and not for the purpose of humiliating the patient.
- 4) Dr. Gorgol's handling of release of patients records was within standard.

THEREFORE, IT IS ORDERED, That Stanley A. Gorgol, D.P.M. is disciplined by means of a written reprimand as provided by RSA 315:9, III based upon his unprofessional conduct in not providing adequate pre-surgical consultation and disclosure of fees.

IT IS FURTHER ORDERED, That this proceeding is terminated.

BY ORDER OF THE BOARD

  
Chris C. Panagoulas, DPM, FACFO  
Chairman

DATED: 6-22-89

Original to: Dr. Gorgol  
Copies to: Mrs. Lynch  
Federation of Podiatric Medical Boards  
Atty. Wight  
Atty. Jones

NOTE: Send Certified Mail

*Dr. Gorgol*  
*Mrs. Lynch*