

Exhibit D



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

September 15, 2010

James Caputo, MD
1200 East Genesee Street
Suite 201
Syracuse NY 13210

Dear Dr. Caputo:

I am writing in response to your recent correspondence to Governor David A. Paterson, which was forwarded to the Office of Health Systems Management for a response. In your letter, you expressed your dissatisfaction with the results of the investigation against you by the Office of Professional Medical Conduct (OPMC).

As you are aware, New York State Public Health Law § 230 delineates the roles, responsibilities and procedures that must be followed by OPMC when investigating and adjudicating allegations of medical misconduct. When reviewing allegations of medical misconduct, OPMC relies not only on the opinions of investigators, nurses and supervisors, but also on the medical expertise of board-certified physicians in the same specialty as that of the subject physician. Therefore, the investigations are thorough and carried out consistent with statutory requirements.

If you would like to file a complaint against the OPMC you may send the information directly to the New York State Office of the Inspector General (OIG) at the address provided below. The OIG would more appropriately address the issue(s) you have raised regarding the OPMC.

State Inspector General
Empire State Plaza
Agency Building 2, 16th Floor
Albany, NY 12223

Thank you for bringing this matter to my attention. If you need further assistance, please don't hesitate to contact me, at (518) 474-7028.

Sincerely,

Richard M. Cook
Deputy Commissioner
Office of Health Systems Management



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

October 1, 2002

James Richard Caputo, M.D.
739 Irving Avenue, Suite 300
Syracuse, NY 13210

RE: Physicians @ Crouse Hospital
OPMC # 02-09-4875

Dear Dr. Caputo:

The Office of Professional Medical Conduct has received your September 17, 2002 correspondence. This office is responsible for investigating allegations of medical misconduct by physicians and physician assistants.

This matter has been forwarded to our Syracuse Area office for investigation at the address below. For any questions regarding this investigation, please contact that office at:

NYS Department of Health
Office of Professional Medical Conduct
Central Field Area Office
677 South Salina Street
Syracuse, New York 13202-3592
ATTN: Pauline Frazier
Program Director

(315) ~~426-7697~~
477-8579

Thank you for bringing this matter to our attention.

David Britton

JMC/jcd

Ron Heenkens
(Shares duty w P. Frazier)

Sincerely,

Jm Carey
J.M. Carey

Office of Professional Medical Conduct

477-8485
Carla Sharp

Jane Durr

Howard Levine

SMITH, SOVIK,
KENDRICK & SUGNET, P.C.

ATTORNEYS AT LAW

250 SOUTH CLINTON ST., SUITE 600
SYRACUSE, NEW YORK 13202-1252

FACSIMILE: 315-474-6015

MICHAEL PAUL RINGWOOD
Voice Mail Extension 121
mringwood@smithsovik.com

315-474-2911
INTERNET www.smithsovik.com

August 9, 2004

JOHN TIMOTHY SMITH (1902-1964)
NELSON J. SMITH (1923-1967)
MARTIN F. KENDRICK (1917-1983)
LAURENCE SOVIK (1904-1998)

WILLIAM E. SUGNET, RETIRED
JAMES A. O'SHEA, RETIRED

LAURENCE F. SOVIK
JAMES D. LANTIER
MICHAEL P. RINGWOOD
KEVIN E. HULSLANDER
ERIC G. JOHNSON
STEVEN WARD WILLIAMS
MARY KENDRICK GAFFNEY
JAMES W. CUNNINGHAM
ROBERT P. CAHALAN
GABRIELLE MARDANY HOPE
KRISTIN L. NORFLEET
PATRICK B. SARDINO
KRISTEN M. BENSON
JENNIFER L. PLOETZ
J. WILLIAM SAVAGE
DAVID A. D'AGOSTINO
KAREN M. RICHARDS
NICOLE M. TRUE
MATTHEW H. WOODARD
DANIEL E. DYER

J. M. Carey
Office Of Professional Medical Conduct
433 River Street, Suite 303
Troy, NY 12160-2299

Re: OPMC #02-09-4875

Dear Mr. Carey:

I am representing Dr. James Richard Caputo to the extent that he is the subject of investigation through your offices regarding a number of patients he cared for within the context of his OB/GYN practice.

During the course of interviews related to those investigations, Dr. Caputo wrote your offices on or about September 17, 2002 with complaints of his own regarding Crouse Irving Memorial Hospital, its OB/GYN residency training program, and other activity of that institution impacting on his practice.

You wrote back to Dr. Caputo by letter dated October 1, 2002 and apparently an OPMC claim number was assigned to his complaint as described above. Dr. Caputo has become somewhat frustrated by way of the fact that he has heard little if nothing regarding the complaint he made and the investigation that he asked be conducted. To that extent he asked me to inquire. I do so via this letter.

Would you please be so kind as to review the file regarding the claim number referred to above and to write both myself and Dr. Caputo regarding the status of the investigation regarding the same.

Very truly yours,

Michael Paul Ringwood

MPR/csw
cc: James R. Caputo, M.D.