

**NEW YORK**  
state department of  
**HEALTH**

Public

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

September 21, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Vladimir G. Andries, M.D.  
7256 Route 209  
Wawarsing, New York 12489

Vladimir G. Andries, M.D.

REDACTED

Stewart A. Rosenwasser, Esq.  
201 Ward Street  
P.O. Box 69  
Montgomery, New York 12549

Joel E. Abelove, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

Marybeth Hefner  
NYS Department of Health  
Bureau of Accounts Management  
ESP-Corning Tower-Room 1717  
Albany, New York 12237

**RE: In the Matter of Vladimir G. Andries, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 11-232) 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

James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER  
OF  
VLADIMIR G. ANDRIES, M.D.  
C0-08-12-7598-A

DETERMINATION  
AND COPY  
ORDER  
BPMC #11-232

A hearing was held on August 25, 2011, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding, dated March 14, 2011, and an Amended Statement of Charges, dated March 22, 2011, were served upon the Respondent, **Vladimir G. Andries, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Peter B. Kane, M.D.**, Chair, **Berton R. Shayevitz, M.D.**, and **Heidi B. Miller, M.P.H., R.P.A.-C.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **James E. Dering, Esq.**, General Counsel, by **Joel E. Abelove, Esq.**, of Counsel. The Respondent, **Vladimir G. Andries, M.D.** did appear with counsel, **Stewart A. Rosenwasser, Esq.**, of Montgomery, New York. Evidence was received and a transcript of these proceedings was made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

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 §6530(9) (a) (ii) – by having been convicted of committing an act constituting a crime under federal law. Specifically, the Respondent was found guilty, based on a plea of guilty, of one (1) count of Distribution of Misbranded Prescription drugs, in violation of Title 21 U.S.C. § 353 (b) (1), a crime, and was sentenced on December 2, 2008, to three (3) years of probation, a special assessment of \$25.00, 100 hours of community service, and home confinement for 365 days. Copies of the Notice of Referral Proceeding and the Amended Statement of Charges are attached to this Determination and Order as Appendix 2.

## WITNESSES

For the Petitioner: None  
For the Respondent: Vladimir G. Andries, 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. The Respondent, **Vladimir G. Andries, M.D.** did appear with counsel and was duly served with process. (Petitioner's Exhibit 2)
2. **Vladimir G. Andries, M.D.**, the Respondent, was authorized to practice medicine in New York State on August 5, 1985, by the issuance of license number 163619 by the New York State Education Department. (Petitioner's Ex. 4)
3. On or about March 10, 2008, in the United States District Court, Northern District of Georgia, Respondent pled guilty to one (1) Count of Distribution of Misbranded Prescription drugs, in violation of Title 21 U.S.C. § 353 (b)(1), a crime, and was sentenced on December 2, 2008, to three (3) years of probation, a special assessment of \$25.00, 100 hours of community service and home confinement for 365 days.

4. Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, specifically Title 21 U.S.C. § 353 (b)(1).

### VOTE OF THE HEARING COMMITTEE

#### SPECIFICATION

"Respondent violated New York Education Law §6530(9)(a)(ii) having been convicted of a crime under federal law..."

VOTE: Sustained (3-0)

### HEARING COMMITTEE DETERMINATION

The Respondent did appear at the hearing, with counsel. The Administrative Officer, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Amended Statement of Charges (Petitioner's Exhibit 2 ), ruled that the Petitioner had met the requirements of law for service of process and that jurisdiction had been established over the Respondent. There was no dispute about jurisdiction. There was also no dispute about the basic fact of this case, the Respondent's conviction of a crime in federal court in Georgia. Further, the Respondent acknowledged, on the record, that what he had done was "absolutely wrong." (T. 18) The Respondent expressed remorse and indicated he "could not take it back".

The Respondent acknowledged, on the record that he was writing some 50 to 60 Internet prescriptions a day back in 2002 and 2003. (T. 17)

In his defense, the Respondent's attorney argued that the Respondent was investigated for these charges by the Department back in 2004 and was given an administrative warning as punishment for his conduct.

The panel did not accept this argument. The basis of the prior Departmental investigation was a Missouri prosecution for Internet prescribing and not the present criminal investigation by Federal authorities in Georgia. While the underlying facts may have been related, they were treated quite differently in different jurisdictions. What precipitated the present matter was a new investigation with more serious consequences. In Missouri, the result was nowhere near as severe as the new prosecution in Georgia. In the Georgia case, the Respondent was eventually sentenced to, among other things, a year of house arrest. This Georgia investigation and prosecution is the basis of the present matter. The panel recognizes that there is now new professional misconduct that transpired after the prior administrative warning issued back in 2004.

What we have in this case is a new federal prosecution and a new federal conviction and that fact, in and of itself, constitutes professional misconduct and thus the charges were sustained by the panel.

In assessing the penalty to be imposed in this case, the panel took many factors into account, not the least of which was the fact that the Respondent clearly expressed sorrow and remorse for what he had done. The panel weighed the seriousness of the crime that was committed, Internet prescribing, against the fact that the Respondent had

paid for his crime, was apparently remorseful, and was now ready to resume his role in society.

The panel recognized that this was a crime of greed and that the Respondent earned several thousands of dollars for his Internet prescribing. The Respondent admitted, on the record, to writing 50 or 60 illegal prescriptions a day. It appears that he earned some \$3,600 a month for several years for his crime. Taking this financial gain into account that panel determined that the Respondent should be punished financially for his actions and determined that a fine of \$10,000 would be appropriate under the circumstances of this case.

The panel considered the full range of penalties available in the case and determined that a five-year probation would be appropriate, provided the Department would examine his practice, periodically, to ensure that he was not continuing to prescribe over the Internet. The panel was satisfied that the people of New York would be protected with this probation oversight, which would protect the public from any future Internet criminal activity.

### ORDER

#### IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is SUSTAINED.



2. A fine of \$10,000.00 is imposed on the Respondent, Dr. Vladimir G. Andries, M.D. The fine is payable in full within 90 days of the effective date of this Order. Payment must be submitted to the New York State Department of Health, Bureau of Accounts Management, Empire State Plaza, Corning Tower, Room 1717, Albany, New York 12237. Failure to pay the fine on time will subject the Respondent to all provisions of law relating to debt collection by New York State, including imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits and licenses (Tax Law Section 171[27], State Finance Law Section 18, CPLR Section 5001, Executive Law Section 32).
3. The license of the Respondent to practice medicine in New York State is hereby **SUSPENDED FOR A PERIOD OF FIVE YEARS; HOWEVER, THE SUSPENSION IS STAYED IN WHOLE.**
4. Respondent is placed on a term of probation for five years. The terms of the probation are attached hereto as Appendix I and are incorporated into this Order.
5. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10) (h).

DATED: Cazenovia, New York  
September 19, 2011

REDACTED

Peter B. Kane, M.D., Chair,

Berton R. Shayevitz, M.D.,  
Heidi B. Miller, M.P.H, R.P.A.-C.,

To:

Vladimir G. Andries, M.D.  
7256 Route 209  
Wawarsing, New York 12489

Vladimir G. Andries, M.D.

REDACTED

Stewart A. Rosenwasser, Esq  
201 Ward Street  
P.O. Box 69  
Montgomery, New York 12549

Joel E. Abelow, Esq.  
Attorney for Petitioner  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237

Marybeth Hefner  
NYS Department of Health  
Bureau of Accounts Management  
Corning Tower, Room 1717  
Empire State Plaza  
Albany, New York 12237

## APPENDIX 1

## Terms of Probation

1. 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.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any 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.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State, Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more, Respondent shall then notify the Director 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 Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices and shall include review of all Internet activity by the Respondent, so as to ensure that no illegal activity is engaged in by the Respondent.

## APPENDIX 2



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

IN THE MATTER  
OF  
VLADIMIR G. ANDRIES, M.D.  
CO-08-12-7598-A

NOTICE OF  
REFERRAL  
PROCEEDING

TO: VLADIMIR G. ANDRIES, M.D.  
7256 Route 209  
Wawarsing, NY 12489

VLADIMIR G. ANDRIES, M.D.  
REDACTED

**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 18<sup>th</sup> day of May, 2011, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, that 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 and/or sworn testimony on your behalf. Such evidence and/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 that 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. JAMES F. HORAN, ACTING 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 (10) 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 (10) 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 (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) 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 demands, hereby, disclosure of the evidence that 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 and/or other evidence that cannot be photocopied.

**YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here \_\_\_\_\_

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 (5) 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

*March 14, 2011*

REDACTED

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

Inquiries should be addressed to:

Joel E. Abelove  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282



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

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IN THE MATTER  
OF  
VLADIMIR G. ANDRIES, M.D.  
CO-08-12-7598-A

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AMENDED  
STATEMENT OF  
CHARGES

VLADIMIR G. ANDRIES, M.D., Respondent, was authorized to practice medicine in New York state on August 5, 1985, by the issuance of license number 163619 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 10, 2008, in the United States District Court, Northern District of Georgia, Respondent entered into a Plea Agreement to one (1) count of Distribution of Misbranded Prescription drugs, in violation of Title 21 U.S.C. §353(b)(1), a crime, and was sentenced on December 2, 2008, to 3 years probation, a special assessment of \$25.00, 100 hours of community service, and home confinement for 365 days.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *March 22*, 2011  
Albany, New York

REDACTED

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