



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 9, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Timothy V. Siepel, M.D.
27 Franklin Street
Springville, NY 14141

RE: License No. 114398

Dear Dr. Siepel:

Enclosed please find Order #BPMC 97-129 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Daniel T. Roach, Esq.
1620 Liberty Building
420 Main Street
Buffalo, NY 14202-3678

Kevin C. Roe, Esq.

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

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IN THE MATTER	: CONSENT
OF	: AGREEMENT
TIMOTHY V. SIEPEL, M.D.	: AND ORDER
	: BPMC # 97-129

-----X

TIMOTHY V. SIEPEL, M.D., says:

On or about October 31, 1972, I was licensed to practice as a physician in the State of New York having been issued license number 114398 by the New York State Education Department.

My current office address is 27 Franklin Street, Springville, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with fourteen specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the thirteenth specification as it relates to paragraphs A, B and C.

I agree to the following penalty: permanent limitation of my license to prohibit the practice of Obstetrics and two and one half (2.5) years probation under the terms and conditions attached hereto, made part hereof and marked as Exhibit B.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me; such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

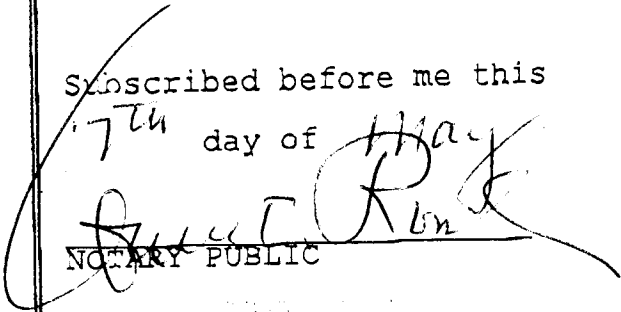
I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



TIMOTHY V. SIEPEL, M.D.
Respondent

Subscribed before me this
17th day of May, 1997.

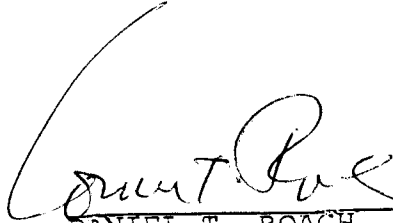


NOTARY PUBLIC

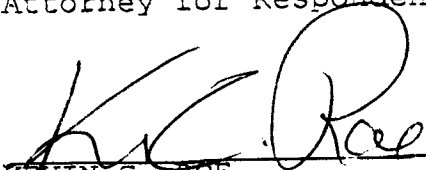
My Commission Expires March 10, 1998

AGREED TO:


DATE: 17 May 97


DANIEL T. ROACH, ESQ.
Attorney for Respondent

DATE: 5/23/97


KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: May 29, 1997


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of TIMOTHY V. SIEPEL, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED:

June 3, 1997

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

Exhibit A

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

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IN THE MATTER : STATEMENT
OF : OF
TIMOTHY V. SIEPEL, M.D. : CHARGES

-----X

TIMOTHY V. SIEPEL, M.D., the Respondent, was authorized to practice medicine in New York State on October 31, 1972, by the issuance of license number 114398 by the New York State Education Department.

FACTUAL ALLEGATIONS

A) Respondent treated Patient A (patients are identified in the attached appendix) at his office, 27 Franklin Street, Springville, New York and at the Bertrand Chaffee Hospital (BCH), 224 East Main Street, Springville, New York from on or about June 3, 1996, to on or about June 30, 1996, for pregnancy, labor, and delivery. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

- 1) On June 14, 1996, Respondent failed to order a urine culture.
- 2) Respondent failed to obtain an obstetrical consultation in a timely manner.
- 3) On June 25, 1996, Respondent failed to admit Patient A to the hospital and transfer her care to an obstetrician and/or consult with a perinatologist and transfer Patient A to a tertiary care center.

- 4) On June 29, 1996, Respondent failed to obtain assistance from an obstetrician when he was not immediately available to evaluate and treat Patient A.
- 5) On June 29, 1996, Respondent failed to arrange an emergency caesarean section.

3) Respondent treated Patient B on or about March 28, 1991, at BCH. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

- 1) Respondent failed to order Rocephin (antibiotics) in a timely manner.
- 2) Respondent failed to order and/or perform a lumbar puncture in a timely manner.
- 3) Respondent failed to obtain a pediatric consultation in a timely manner.
- 4) Respondent failed to order appropriate initial dosage of Rocephin.

C) Respondent treated Patient C from on or about February 9, 1996, to on or about June 21, 1996, at his office and BCH for pregnancy, labor, and delivery. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

- 1) Respondent failed to obtain an obstetrical consultation to evaluate persistent breech presentation.

D) Respondent treated Patient D from on or about April 11, 1994, to on or about November 7, 1994, at his office and BCH for labor, pregnancy, and delivery. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care,

in that:

- 1) Respondent failed to consult with an obstetrician regarding external version of a persistent breech presentation.
- 2) On November 4, 1994, Respondent failed to obtain an obstetrical consultation regarding appropriate route of delivery.
- 3) Respondent failed to obtain an abdominal x-ray to evaluate status of the fetus for possible vaginal breech birth.

E) Respondent treated Patient E from on or about November 3, 1995, to on or about February 13, 1996, at his office and BCH for pregnancy. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

- 1) On or about January 12, 1996, Respondent failed to obtain an obstetrical consultation.
- 2) On or about January 12, 1996, Respondent failed to order maternal renal, liver and coagulation studies.
- 3) On or about January 12, 1996, Respondent failed to order a non-stress test and ultrasound assessment of fetal weight and amniotic fluid volume.
- 4) On or about February 2, 1996, Respondent failed to admit Patient D to the hospital and transfer her care to an obstetrician.
- 5) On or about February 12, 1996, Respondent failed to order IV magnesium sulfate.

F) Respondent treated Patient F from on or about November 3, 1993, to on or about June 5, 1994, at his office and BCH for labor, pregnancy, and delivery. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care,

in that:

- 1) On or about November 3, 1993, Respondent performed a pelvic ultrasound without adequate medical justification.
- 2) Respondent failed to offer alpha feto protein testing.
- 3) On or about May 31, 1994, Respondent failed to order maternal renal, liver, and coagulation studies.
- 4) On or about May 31, 1994, Respondent failed to order non-stress testing and ultrasound assessment of fetal weight and amniotic fluid volume.
- 5) On or about May 31, 1994, Respondent failed to recommend and/or order discontinuation of work and increased rest on the left side.
- 6) Respondent performed an instrument delivery with a -vacuum extractor without adequate medical indication.

SPECIFICATION OF CHARGESFIRST THROUGH SIXTH SPECIFICATIONSGROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) (McKinney Supp. 1997) in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5.
2. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
3. The facts in Paragraphs C and C.1.
4. The facts in Paragraphs D and D.1, D.2, and/or D.3.
5. The facts in Paragraphs E and E.1, E.2, E.3, E.4 and/or E.5.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5 and/or F.6.

SEVENTH THROUGH TWELFTH SPECIFICATION
GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) (McKinney Supp. 1997), in that Petitioner charges:

7. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5.
8. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
9. The facts in Paragraphs C and C.1.
10. The facts in Paragraphs D and D.1, D.2 and/or D.3.
11. The facts in Paragraphs E and E.1, E.2, E.3, E.4, and/or E.5.
12. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5 and/or F.6.

THIRTEENTH SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of New York Education Law §6530(3) (McKinney Supp. 1997), in that Petitioner charges:

13. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5; B and B.1, B.2, B.3, and/or B.4; C and C.1; D and D.1, D.2, and/or D.3; E and E.1, E.2, E.3, E.4, and/or E.5; and/or F and F.1, F.2, F.3, F.4, F.5, and/or F.6.

FOURTEENTH SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) (McKinney Supp. 1997), in that Petitioner charges:

14. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5; B and B.1, B.2, B.3, and/or B.4; C and C.1; D and D.1, D.2, and/or D.3; E and E.1, E.2, E.3, E.4, and/or E.5; and/or F and F.1, F.2, F.3, F.4, F.5, and/or F.6.

DATED: Albany, New York, 1997

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

EXHIBIT B

TERMS OF PROBATION

1. Respondent shall conduct himself in all ways in a manner befitting his/her 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 (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, 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 shall 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.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall provide the Director of OPMC with written confirmation that his malpractice insurance has been adjusted to reflect the restriction of his medical practice from obstetrics.
8. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.