



*New York State Board for Professional Medical Conduct*

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

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NYS Department of Health*

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*Office of Professional Medical Conduct*

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*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

October 7, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Ann Smith-Rudnick, M.D.  
8966 W. Bowles Avenue  
Littleton, CO 80123

RE: License No.: 170459

Dear Dr. Smith-Rudnick:

Enclosed please find Order #BPMC 99-253 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 7, 1999**.

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 to 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: Patrick O'Rourke  
Montgomery Little McGrew  
5445 DTC Parkway  
Suite 800  
Englewood, CO 80111-3053

Diane Abeloff, Esq.

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

IN THE MATTER  
OF  
ANN SMITH-RUDNICK, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #99-253

STATE OF COLORADO) )  
COUNTY OF ) ) ss.:

ANN SMITH-RUDNICK, M.D., (Respondent) being duly sworn, deposes and says:

That on or about June 29, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 170549 by the New York State Education Department.

My current address is 8966 W. Bowles Avenue, Littleton, Colorado 80123, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

I agree to be placed on probation for a period of five years beginning retroactively on or about August 18, 1998 and continuing through on or about August 18, 2003. A copy of the terms of probation is annexed hereto, made a part hereof, and marked as Exhibit "B".

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with OPMC in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law

§6530(29)(McKinney Supp 1999).

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

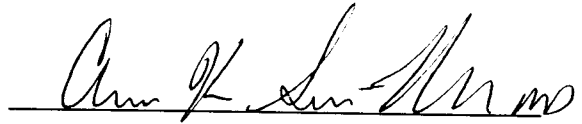
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to

resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

A handwritten signature in cursive script, appearing to read "Ann Smith-Rudnick", written over a horizontal line.

ANN SMITH-RUDNICK, M.D.  
RESPONDENT


DATED 09-24-99

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9-24-99

  
PATRICK O'ROURKE, ESQ.  
Attorney for Respondent

DATE: 9/27/99

  
DIANNE ABELOFF  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: September 30, 1999

  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

IN THE MATTER  
OF  
ANN SMITH-RUDNICK, M.D.

CONSENT  
ORDER


Upon the proposed agreement of ANN SMITH-RUDNICK, M.D.  
(Respondent) for Consent Order, which application is made a part hereof, it is  
agreed to and

ORDERED, that the application and the provisions thereof are hereby  
adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,  
which may be accomplished by mailing, by first class mail, a copy of the Consent  
Order to Respondent at the address set forth in this agreement or to  
Respondent's attorney by certified mail, or upon transmission via facsimile to  
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/4/99

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
ANN K. SMITH-RUDNICK , M.D.

STATEMENT  
OF  
CHARGES

Ann K. Smith-Rudnick , M.D., the Respondent, was authorized to practice medicine in New York State on or about June 29, 1987, by the issuance of license number 170459 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 14, 1998, the Colorado Board of Medical Examiners found that Respondent violated §12-36-118(5)(g)(111), C.R.S., in that, some of Respondent's records failed to contain pertinent patient information, i.e., refills of narcotic prescriptions made after telephone conversations.

The Board ordered Respondent's license to practice medicine in Colorado be placed on probationary status for 5 years. During that period, Respondent shall be monitored by a "practice monitor," and she shall receive such medical treatment as is determined to be appropriate by the Colorado Health Program.

**SPECIFICATION**

**DISCIPLINARY ACTION TAKEN BY ANOTHER STATE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1999) by having her license to

EXHIBIT "A"



practice medicine revoked, suspended or having other disciplinary action taken, or having her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(4)negligence on more than one occasion) as alleged in the facts of the following:

1. Paragraph A.

DATED: September , 1999  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself/herself 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/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct (OPMC), New York State Department of Health, 433 River Street, Suite 303, Troy, NY 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. During the period of probation Respondent shall forward to the Director of OPMC copies of all quarterly reports filed by her monitor with the Colorado Board of Medical Examiners and she shall also file with the Director of OPMC any reports or treatment plans recommended by the Colorado Physician Health Program.
4. If Respondent intends to return to practice medicine in New York State, she shall submit to the Director of OPMC a current report from a psychiatrist that Respondent is fit to practice medicine.
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.
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 comply with all terms, conditions, restrictions, limitations and penalties to which he or 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.