



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

June 17, 2016

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Christopher Symenow, RPA  

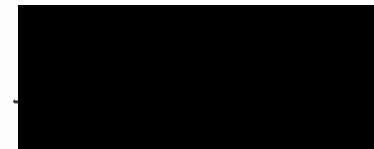

Re: License No. 009611

Dear Mr. Symenow:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 16-247. This order and any penalty provided therein goes into effect July 20, 2016.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,



Henry Spector, M.D.  
Acting Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Andrew M. Knoll, Esq  
Cohen, Compagni, Beckman, Appler & Knoll, PLLC  
507 Plum Street, Suite 310  
Syracuse, New York 13204

BPMC No. 16-247

IN THE MATTER  
OF  
CHRISTOPHER SYMENOW, R.P.A.

CONSENT  
ORDER

Upon the application of CHRISTOPHER SYMENOW, R.P.A., (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order; it is

ORDERED, that the Consent Agreement, and its terms, are adopted; and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

July 7, 2016

DATE: ~~June~~, 2016

  
ARTHUR S. HENGERER, 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  
CHRISTOPHER SYMENOW, R.P.A.

CONSENT  
AGREEMENT

CHRISTOPHER SYMENOW R.P.A., represents that all of the following statements are true:

That on or about October 16, 2003, I was licensed to practice as a Registered Physician Assistant (R.P.A.) in the State of New York, and issued License No. 009611 by the New York State Education Department.

My current address is [REDACTED], and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest allegations "A.1" and "B.1" of the First Specification of the charges against me, and agree to the following penalty:

Pursuant to New York Public Health Law §230-a (3), I shall be permanently limited to practice as an R.P.A in an Article 28 facility, Federally Qualified Health Care Center, federal Veterans Administration hospital, or United States medical facility or military hospital, subject to the terms set forth in the attached Exhibit "B".

Pursuant to New York Public Health Law §230-a (9), I shall be placed on probation until February 21, 2019, subject to the terms set forth in the attached Exhibit "C". The probation term shall supersede the probation term imposed by BPMC Board Order # 12-22.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to New York Public Health Law §230-a; and

That Respondent shall remain in continuous compliance with all requirements of New York Education Law §6502, including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department as a registered physician assistant (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law §6502(4) to avoid registration and payment of fees. This

condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee as a registered physician assistant in New York State; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic

verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law §6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order

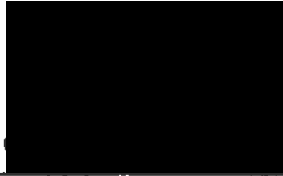
by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further

understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE: June 28, 2016



CHRISTOPHER SYMENOW, R.P.A.  
Respondent



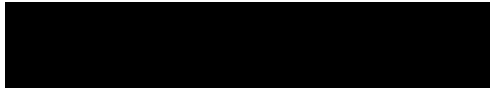
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

COHEN, COMPAGNI, BECKMAN, APPLER &  
KNOLL, PLLC

DATE: June 28, 2016

By:   
ANDREW M. KNOLL, ESQ.

DATE: June 28, 2016

  
JEFFREY J. CONKLIN, ESQ.  
Associate Attorney  
Bureau of Professional Medical Conduct

DATE: 6/28/16

  
KEITH W. SERVIŠ  
Director  
Office of Professional Medical Conduct

**EXHIBIT "A"**

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

<b>IN THE MATTER</b>	<b>STATEMENT</b>
<b>OF</b>	<b>OF</b>
<b>CHRISTOPHER SYMENOW, R.P.A.</b>	<b>CHARGES</b>

CHRISTOPHER A. SYMENOW, R.P.A., the Respondent, was authorized to practice as a registered physician assistant in New York State on or about October 16, 2003, by the issuance of license number 009611 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent provided medical care to Patient A (hereinafter identified in the attached Appendix A) on or about December 20, 2014, at Med-Ready Urgent Care (MRUC), Watertown, New York. Respondent's care and treatment of Patient A deviated from accepted standards of medical care as follows:

1. Respondent failed to document the order for the administration of IV fluids to Patient A, who administered the IV fluids, and at what rate the IV fluids were administered.
2. Respondent failed to obtain repeat vital signs of Patient A after the administration of IV fluids.

B. Respondent provided medical care to Patient B (hereinafter identified in the attached Appendix A) on December 19, 2014, at MRUC. Respondent's care and treatment of Patient B deviated from accepted standards of medical care as follows:

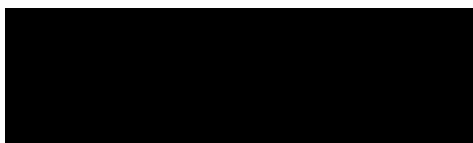
1. Respondent failed to document the order for the administration of IV fluids to Patient B, who administered the IV fluids, and at what rate the IV fluids were administered.

**SPECIFICATION OF CHARGES**  
**FIRST SPECIFICATION**  
**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in New York Education Law §6530(3) by practicing as a registered physician assistant with negligence on more than one occasion as alleged in the facts of:

1. A. and A.1, and/or A. and A.2; and/or B. and B.1, and/or B. and B.2.

DATE: June 18, 2016  
Albany, New York



MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct

## **EXHIBIT B**

### **PRACTICE LIMITED TO A SUPERVISED SETTING**

Respondent shall work only in an Article 28 facility, Federally Qualified Health Care Center, federal Veterans Administration hospital, or United States military medical facility or hospital, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. Respondent shall not practice as a registered physician assistant until the supervised setting proposed by Respondent is approved, in writing, by the Director of OPMC.

- a) Respondent shall propose an appropriate supervisor or administrator in all practice settings, who shall be subject to the written approval of the Director of OPMC. Respondent shall cause the supervisor or administrator to submit reports, as requested (or quarterly), regarding Respondent's overall quality of medical practice as a registered physician assistant.
- b) Respondent shall provide the supervisor/administrator in all settings with the Order and terms of probation and shall cause the supervisor/administrator, in writing, to comply with OPMC schedules and requests for information.
- c) Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the employment setting and required supervision.

## EXHIBIT "C"

### TERMS OF PROBATION

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the 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 or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active medical practice as a Registered Physician Assistant in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

## PRACTICE MONITOR

- 7) Within thirty days of the Consent Order's effective date, Respondent shall practice as a registered physician assistant only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
  - a) Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice as a registered physician assistant is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
  - b) Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c) Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
- 8) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 9) Within the first 120 days after the effective date of the Probation Terms, the Respondent shall successfully complete CME in the area of medical record keeping, subject to the prior written approval of the Director of OPMC.
- 10) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.