



# 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*

February 15, 20001

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Peter VanBuren, Esq.  
NYS Department of Health  
ESP – Corning Tower –Room 2509  
Albany, New York 12237

Rodney Drake, Esq.  
600 Johnson Avenue, Suite A-8  
Bohemia, New York 11716

Edwin S. Eustaquio, P.A.  
41 Meadow Wood Lane  
Farmingdale, New York 11735

### **RE: In the Matter of Edwin S. Eustaquio, P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-39) 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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee 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.

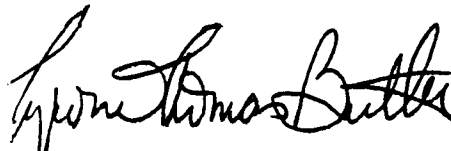
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler". The signature is written in dark ink and is positioned above the typed name and title.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

IN THE MATTER  
OF  
EDWIN S. EUSATQUIO, P.A.

DETERMINATION  
AND  
ORDER

BPMC #01- 39

**JERRY WAISMAN, M.D.**, Chairperson, **DAVID W. SIBULKIN, M.D.** and **PETER S. KOENIG, Sr.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, served as Administrative Officer for the Hearing Committee. The Department of Health appeared by **DONALD P. BERENS, Jr.** General Counsel, **MARK T. FANTAUZZI, ESQ.**, Assistant Counsel, of Counsel. The Respondent appeared by **RODNEY L. DRAKE ESQ.** Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

**STATEMENT OF CHARGES**

The accompanying Statement of Charges alleged twelve (12) specifications of professional misconduct for practicing the profession of medicine fraudulently on 2 occasions, for willfully

making or filing a false report, failure to comply with substantial provisions of federal, state or local laws governing the practice of medicine and for engaging in conduct that evidences moral unfitness. The charges are more specifically set forth in the Statement of Charges dated December 8, 2000, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

### WITNESSES

For the Petitioner:

Kathryn Hill  
Glendon Henry, M.D.  
Douglas Williams

For the Respondent:

Edwin S. Eustaquio, P.A.

### FINDINGS OF FACT

1. Respondent was authorized to practice as a physician assistant in New York State by the issuance of license number 004635 on January 10, 1994, by the New York State Education Department. (Exh. 5)
2. During the calendar year 1999, Respondent's former employer, Harlem Hospital (Harlem) requested that Respondent provide proof that he was, in 1999, currently certified by the National Commission on Certification of Physician Assistants (NCCPA), as a physician assistant. (Exh. T.100 )
3. To prove that he was certified as a physician assistant by the NCCPA in 1999, Respondent submitted to Harlem a copy of a wall certificate from the NCCPA with a purported expiration date of June 1, 1999. The June 1, 1999 expiration date was false, because his registration had in fact expired in June 1998. (T. 129) Respondent submitted the wall certificate to Harlem with knowledge of the falsity of the June 1, 1999

expiration date and/or in reckless disregard of the falsity of the June 1, 1999 expiration date. ( T. 100 )

4. On or about August 12, 1999, Respondent was suspended from his employment by Harlem. ( T. 101 )
5. On or about October 12, 1999, Respondent's employment was terminated by Harlem. ( T. 101 )
6. Thereafter, Respondent renewed his physician assistant's registration with the New York state Department of Education's Division of Public Licensing (DOE) for the period April 1, 2000 through March 31, 2003. In so doing, he submitted the required DOE registration remittance document which contained the following question relating to Respondent's moral character:
  2. Since you last filed a registration application:
    - c. Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid the imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence? (T. 101)
7. Respondent answered "No" to the question set forth in Fact #6 above. At the time Respondent submitted his registration remittance document to DOE, Respondent knew that he had been suspended from employment by Harlem on or about August 12, 1999, and knew that his employment with Harlem had been terminated on or about October 12, 1999. ( T.101 )

8. Respondent certified under penalties of perjury that this response to the question set forth in Fact #6 was "... true, complete, and correct", and that Respondent understood that "... any misrepresentation made in connection with (his) application may be cause for disciplinary action, including the loss of (his) license. (T. 101,103 )

### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the following Factual Allegations should be sustained. The citations in parenthesis refer to the Findings of Fact which support each Factual Allegation:

Paragraph A:	(2)
Paragraph B:	(3)
Paragraph C:	(4)
Paragraph D:	(5)
Paragraph E:	(6)
Paragraph F:	(7)
Paragraph G:	(8)

### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the all of the twelve (12) Specifications of Professional Misconduct should be sustained.

**PRACTICING THE PROFESSION OF MEDICINE FRAUDULENTLY**

Paragraphs A,B,E,F, and G

**WILLFULLY MAKING OR FILING A FALSE REPORT**

Paragraphs A, B, E, F and G

**WILLFUL OR GROSSLY NEGLIGENT FAILURE TO COMPLY WITH SUBSTANTIAL PROVISIONS OF FEDERAL, STATE, OR LOCAL LAWS, RULES, OR REGULATIONS GOVERNING THE PRACTICE OF MEDICINE**

Paragraphs A,B,E,F and G

**MORAL UNFITNESS**

Paragraphs A,B, E, F and G

**DISCUSSION**

Respondent is charged with twelve (12) specifications alleging professional misconduct within the meaning of Education Law § 6530. This statute sets forth numerous forms of conduct which constitute professional misconduct, but do not provide definitions of the various types of misconduct. During the course of its deliberations on these charges, the Hearing Committee consulted a memorandum prepared by the General Counsel for the Department of Health. This

document, entitled "Definitions of Professional Misconduct Under the New York Education Law", sets forth suggested definitions for gross negligence, negligence, gross incompetence, incompetence and the fraudulent practice of medicine.

The following definitions were utilized by the Hearing Committee during its deliberations:

Fraudulent practice is the intentional misrepresentation or concealment of a known fact, made in some connection with the practice of medicine. The Hearing Committee must find that (1) a false representation was made by the licensee, whether by words, conduct or concealment of that which should have been disclosed, (2) the licensee knew the representation was false, and (3) the licensee intended to mislead through the false representation. The licensee's knowledge and intent may properly be inferred from facts found by the Hearing Committee, but the Committee must specifically state the inferences it is drawing regarding knowledge and intent.

Using the above-referenced definition as a framework for its deliberations, the Hearing Committee concluded, by a preponderance of the evidence, that all twelve (12) of the specifications of professional misconduct should be sustained. The rationale for the Committee's conclusions regarding each specification of misconduct is set forth below.

### **PRACTICING THE PROFESSION OF MEDICINE FRAUDULENTLY**

Under the First, Second and Third Specifications, the Department alleges that Respondent submitted a wall certificate to his employer, Harlem Hospital, from the NCCPA with an expiration date of June 1, 1999 that he knew was false. It further alleges that Respondent lied about his suspension, and then subsequent termination from Harlem Hospital when renewing his physician assistant's registration with the New York State Department of Education. And finally, that Respondent certified these answers to be true on the registration form, when he knew they were



false. Respondent has admitted that he submitted the false certification, was terminated from his job as a result, and then lied about his suspension/termination on the license registration application. (T.100-103, 113-116, 120-122) The Hearing Committee finds that these acts constitute fraudulent practice. As a result, the Hearing Committee sustains the First through Third Specifications.

#### **WILLFULLY MAKING OR FILING A FALSE REPORT**

Since Respondent has acknowledged that he submitted a false certificate and then lied on his physician assistant's license registration because he had been terminated from his job as a result of the false certification, the Hearing Committee finds this to constitute willfully making a false report. Therefore, the Hearing Committee sustains the Fourth through Sixth Specifications.

#### **WILLFUL OR GROSSLY NEGLIGENT FAILURE TO COMPLY WITH SUBSTANTIAL PROVISIONS OF FEDERAL, STATE, OR LOCAL LAWS, RULES, OR REGULATIONS GOVERNING THE PRACTICE OF MEDICINE**

For the same reasons previously discussed in the paragraphs above, the Hearing Committee sustains the Seventh through Ninth Specifications under §6530(16) of the Education Law.

#### **MORAL UNFITNESS**

The Hearing Committee finds that Respondent's acts as described above do rise to the level of moral unfitness. Therefore, the Hearing Committee sustains the Tenth through Twelfth Specifications.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a vote of 2 to 1 that Respondent's license to practice medicine in New York State should be suspended for one (1) year. Six (6) months of the suspension will be stayed and

during this time, Respondent will be placed on general probation. The complete terms of probation are attached to this Determination and Order as Appendix II. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

A majority of the Hearing Committee finds that Respondent's actions were unsophisticated and demonstrate a lack of maturity. The majority further finds that Respondent admitted to these transgressions and provided a full explanation at the hearing. Respondent testified that his CME hours have always been up to date, but his certification expired due to a delay in the submission of documentation to the NCCPA. (T. 126-128) He stated that he forged the certificate to "buy me time, because I knew I would get the certificate any way." (T. 116) He also stated that he lied on the license registration form because at the time, he was hoping to appeal the decision of the NCCPA and then reverse his standing at Harlem Hospital. (T. 121)

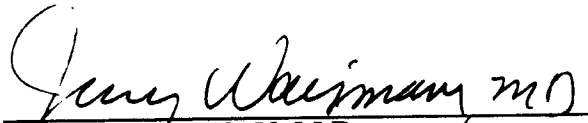
The majority of the Hearing Committee finds that Respondent's actions were lamentable and wrong but they do not justify taking away his livelihood in this instance. The majority notes that there was no evidence of patient harm or of Respondent's inability to practice as a physician assistant. They further find that there was no proof of motivation of greed or personal enrichment, just the need to preserve his employment at Harlem Hospital. The majority further notes that Respondent has not had any prior disciplinary problems in the past and that he supports his wife and three children. (T. 120) It is further noted for the record that in the past, the Administrative Review Board has suspended and not revoked a professional license in the case where a physician forged reference letters in seeking employment at 2 hospitals. (See Administrative Review Board Decision (ARB) Determination and Order No. 00-103. In the Matter of Sein Myint, M.D.) Therefore, under the totality of the circumstances, the majority of the Hearing Committee finds that a one (1) year suspension with a six (6) month stay with general probation is commensurate with the nature of the misconduct in this instance.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First through Twelfth Specifications of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) are **SUSTAINED**; and
2. Respondent's license to practice medicine in New York State is **SUSPENDED** for **ONE YEAR (1) WITH SIX (6) MONTHS OF THE SUSPENSION STAYED**; and
3. Respondent's license shall be placed on **PROBATION** for the **REMAINING SIX (6) MONTHS OF THE SUSPENSION**, and he shall comply with all Terms of Probation as set forth in Appendix II, attached hereto and made a part of this Order; and
4. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: New York, New York  
Feb 17, 2001

  
**JERRY WEISMAN, M.D.**  
(Chairperson)

**DAVID SIBULKIN, M.D.**  
**PETER S. KOENIG, Sr.**

**TO:** Peter Van Buren, Esq.  
Deputy Director  
Bureau of Professional Medical Conduct  
Corning Tower -25<sup>th</sup> Fl.  
Empire State Plaza  
Albany, NY 12237

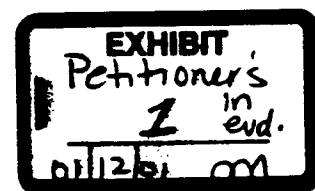
Rodney Drake, Esq.  
600 Johnson Avenue, Suite A-8  
Bohemia, NY 11716

APPENDIX I

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

-----X  
IN THE MATTER : NOTICE  
OF : OF  
EDWIN S. EUSTAQUIO, P.A. : HEARING  
-----X

TO: EDWIN S. EUSTAQUIO, P.A.  
41 MEADOWWOOD LANE  
FARMINGDALE, NEW YORK 11735



PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, at the New York State Department of Health, 5 Penn Plaza, Sixth Floor, Room C, New York, New York, 10001, on the 12<sup>th</sup> day of January, 2001, at 10:00 in the forenoon of that day and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you.

A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(c) you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the date of the hearing. Any Charge and 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. Pursuant to Section 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
December 8, 2000

  
PETER D. VAN BUREN  
Deputy Counsel

Inquiries should be directed to:

Mark T. Fantauzzi  
Assistant Counsel  
Division of Legal Affairs  
Bureau of Professional  
Medical Conduct  
Corning Tower Building  
Room 2509  
Empire State Plaza  
Albany, New York 12237-0032  
(518) 473-4282



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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
EDWIN S. EUSTAQUIO, P.A. : CHARGES

-----X

EDWIN S. EUSTAQUIO, the Respondent, was authorized to practice as a physician assistant in New York State on January 10, 1994 by the issuance of license number 004635 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. During the calendar year 1999, Respondent's former employer, Harlem Hospital (Harlem) requested that Respondent provide proof that he was, in 1999, currently certified by the National Commission on Certification of Physician Assistants (NCCPA), as a physician assistant.
- B. To prove that he was certified as a physician assistant by the NCCPA in 1999, Respondent submitted to Harlem a copy of a wall certificate from the NCCPA with a purported expiration date of June 1, 1999. The June 1, 1999 expiration date was false. Respondent submitted the wall certificate to Harlem with knowledge of the falsity of the June 1, 1999

expiration date and/or in reckless disregard of the falsity of the June 1, 1999 expiration date.

- C. On or about August 12, 1999, Respondent was suspended from his employment by Harlem.
- D. On or about October 12, 1999, Respondent's employment was terminated by Harlem.
- E. Thereafter, Respondent renewed his physician assistant's registration with the New York State Department of Education's Division of Public Licensing (DOE) for the period April 1, 2000 through March 31, 2003. In so doing he submitted the required DOE registration remittance document which contained the following question relating to Respondent's moral character:

**2. Since you last filed a registration application:**

**c. Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid the imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence?**

(Emphasis added)

- F. Respondent answered "No" to the question set forth in paragraph "E", above. Respondent's answer was made with knowledge of its falsity and/or with reckless disregard of the falsity of the answer. At the time Respondent submitted his registration remittance document to DOE, Respondent knew that he had been suspended from employment by Harlem on or about August 12, 1999, and knew that his employment with Harlem had been terminated on or about October 12, 1999, (see paragraphs "C" and "D", above).
- G. Despite the facts set forth in paragraphs "C", "D", "E", and "F", above, Respondent nevertheless certified under penalties of perjury that his response to the question set forth in paragraph "E" above was "... true, complete, and correct", and that Respondent understood that "... any misrepresentation made in connection with (his) application may be cause for disciplinary action, including the loss of (his) license ...". Respondent's certification was made with knowledge of its falsity and/or with reckless disregard of its falsity.

**SPECIFICATIONS**

**FIRST THROUGH THIRD SPECIFICATIONS  
THE FRAUDULENT PRACTICE OF MEDICINE**

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(2) for having engaged in the fraudulent practice of medicine, in that Petitioner charges:

1. The facts in paragraphs A and/or B.
2. The facts in paragraphs C, D, E, and/or F.
3. The facts in paragraph C, D, E, F, and/or G.

**FOURTH THROUGH SIXTH SPECIFICATIONS  
WILLFUL FILING OF FALSE REPORTS OR FAILURE TO FILE REPORTS  
REQUIRED BY LAW OR GOVERNMENTAL AGENCY**

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(21) for having willfully made or filed a false report, or failed to file a report required by law or by the department of health or the education department, in that Petitioner charges:

4. The facts in paragraphs A and/or B.
5. The facts in paragraphs C, D, E, and/or F.
6. The facts in paragraph C, D, E, F, and/or G.

**SEVENTH THROUGH NINTH SPECIFICATIONS**

**WILLFUL OR GROSSLY NEGLIGENT FAILURE TO COMPLY WITH  
SUBSTANTIAL PROVISIONS OF FEDERAL, STATE, OR LOCAL LAWS,  
RULES, OR REGULATIONS GOVERNING THE PRACTICE OF MEDICINE**

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(16) for having willfully failed to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, or for having failed to so comply by having acted in a grossly negligent manner, in that Petitioner charges:

7. The facts in paragraphs A and/or B.
8. The facts in paragraphs C, D, E, and/or F.
9. The facts in paragraph C, D, E, F, and/or G.

**TENTH THROUGH TWELFTH SPECIFICATIONS**

**MORAL UNFITNESS**

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(20) for having behaved in a manner demonstrating moral unfitness in that Petitioner charges:

10. The facts in paragraphs A and/or B.
11. The facts in paragraphs C, D, E, and/or F.
12. The facts in paragraph C, D, E, F, and/or G.

DATED: December 8 , 2000  
Albany, New York

*Peter D. Van Buren*

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional

Medical Conduct

APPENDIX II

## 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), Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237; 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.

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.