



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

February 19, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Martha Andres, PA
27 Franklin Street
Springville, New York 14141

RE: License No. 004656

Dear Ms. Andres:

Enclosed please find Order #BPMC 98-37 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 26, 1998**.

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: Gregory Hoelscher, Esq.
Brown & Tarantino
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203

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
MARTHA ANDRES, P.A. : AND ORDER
: BMC # 98-37

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MARTHA ANDRES, P.A., being duly sworn, deposes and says:

On or about January 20, 1994, I was registered to practice as a physician's assistant in the State of New York, having been issued certificate number 004656 by the New York State Education Department.

My current office address is 27 Franklin Street, Springville, New York 14141, 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 two 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 first specification as it relates to paragraphs A and A.4 and B and B.2.

I agree to the following penalty:

Temporary limitation of my certificate to prohibit the practice of obstetrics until such time as I successfully complete a program of retraining in the field of obstetrics, selected by me, and approved, in writing, by the Director of the Office of

Professional Medical Conduct, and obtain a certificate from such retraining program regarding my competence to practice in the field of obstetrics.

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 certificate 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.

Martha Andres P.P.C.
MARTHA ANDRES, P.A.
RESPONDENT

Subscribed before me this

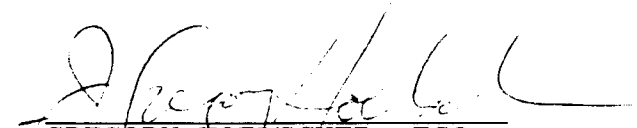
12 day of *December*, 1997.

Mary E. Sclt
NOTARY PUBLIC


MARY E. SCLT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Oct. 31, 1999

AGREED TO:


DATE: 13 Jan 98


GREGORY HOELSCHER, ESQ.
Attorney for Respondent

DATE: 2/4/98


KEVIN C. ROE
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: February 12, 1998


ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of MARTHA ANDRES, P.A.
(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: 2/14/98

Patrick F. Carone, M.D.

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

E X H I B I T A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MARTHA ANDRES, P.A. : CHARGES

-----X

MARTHA ANDRES, P.A., the Respondent, was registered to practice as a physician's assistant in New York State on January 20, 1994, by the issuance of certificate number 004656 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached Appendix) at the offices of Timothy V. Siepel, M.D., at 27 Franklin 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. Respondent failed to instruct Patient A in the appropriate manor to monitor her blood pressure.
2. Respondent failed to calibrate the blood pressure machine given to Patient A to monitor her blood pressure.
3. Respondent failed to inform Patient A of the signs and symptoms of worsening pre-eclampsia.

4. Respondent failed to obtain an obstetrical evaluation in a timely manner.

B. Respondent treated Patient B from on or about November 3, 1995 to on or about February 13, 1996 at the offices of Timothy V. Siepel, M.D. for pregnancy. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to keep proper and adequate medical notes concerning Patient B's weight increase.
2. Respondent failed to obtain an obstetrical consultation in a timely manner.
3. Respondent failed to inform her supervising physician of Patient B's elevated blood pressure, weightgain and elevated proteinuria.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3), in that Petitioner charges:

1. The facts in paragraphs A and A.1, A.2, A.3 and A.4 and/or B and B.1, B.2 and B.3.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5), in that

Petitioner charges:

2. The facts in paragraphs A and A.1, A.2, A.3 and A.4 and/or B and B.1, B.2 and B.3.

DATED: _____, 1997
Albany, New York

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