

REDACTED COPY



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

**New York State Board for Professional Medical Conduct**

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

*Public*

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

January 8, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Philip Andrew, M.D.  
226 Elm Street  
Watertown, New York 13601

RE: License No. 141465

Dear Dr. Andrew:

Enclosed please find Order #BPMC 98-3 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: Sheldon Boyce, Esq.  
Chamberlain, D'Amanda, Oppenheimer & Greenfield  
1600 Crossroads Building  
Two State Street  
Rochester, New York 14614-1397

Robert Bogan, Esq.

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

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IN THE MATTER	:	CONSENT
OF	:	AGREEMENT
PHILIP JOHN ANDREW, M.D.	:	AND ORDER
	:	BPMC # 98-3

-----X

PHILIP JOHN ANDREW, M.D., says:

On or about March 21, 1980, I was licensed to practice as a physician in the State of New York, having been issued license number 141465 by the New York State Education Department.

My current address is 226 Elm Street, Watertown, New York 13601, 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 four 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 Third and Fourth Specifications.

I hereby agree to the following penalty:  
three years probation as set forth in Appendix B and a Censure and Reprimand.

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.

~~PHILIP JOHN ANDREW, M.D.~~  
RESPONDENT

Subscribed before me this 29<sup>th</sup>  
day of December, 1997.

Vicki L. Miller  
NOTARY PUBLIC

VICKI L. MILLER  
Notary Public, State of New York  
Reg. No. 01MI5050638  
Qualified in Jefferson County  
Commission Expires 12/16/99

AGREED TO:

DATE: 12/30/97

[Signature]  
SHELDON BOYCE, ESQ.  
Attorney for Respondent

DATE: 31 Dec 97

[Signature]  
ROBERT BOGAN  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 12/31/97

[Signature]  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

ORDER

Upon the proposed agreement of PHILIP JOHN ANDREW, M.D. 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: 11/3/98

Patrick F. Carone, M.D.

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  
PHILIP JOHN ANDREW, M.D. : CHARGES

-----X

PHILIP JOHN ANDREW, M.D., the Respondent, was authorized to practice medicine in New York State on March 21, 1980, by the issuance of license number 141465 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent treated Patient A (Patient's are identified in Appendix) on or about March and April 1995. Respondent's care and treatment failed to meet acceptable standards of medical care, in that:

1. Respondent did not maintain an adequate medical record for the alleged medical condition for which he prescribed medications for Patient A.

**MATERIAL REDACTED**

# MATERIAL REDACTED

D. Respondent treated Patient B at his office.

Respondent's care and treatment failed to meet acceptable standards of medical care, in that:

1. Respondent did not maintain an adequate medical record and/or did not maintain an adequate record of medications prescribed for Patient B.

## SPECIFICATIONS OF MISCONDUCT

# MATERIAL REDACTED

## Third and Fourth Specifications

### Record Keeping

Respondent is charged with failing to maintain a record which accurately reflects the evaluation and treatment of Patients in violation of N.Y. Educ. Law §6530(32) in that Petitioner charges:

3. The facts in paragraph A and A.1.
4. The facts in paragraph D and D.1.

DATED: *December 31*, 1997

Albany, New York


  
PETER D. VAN BUREN  
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 (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. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is 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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. 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.
6. 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.

7. 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.
8. During the period or probation, the Director of the Office of Professional Medical Conduct or designee, may review the professional performance of the Respondent. This review may include but not be limited to a random selection of office records, patient records or hospital charts, interviews with or periodic visits with the Respondent and his/her staff at the practice location(s) or one of the offices of the Office of Professional Medical Conduct.
9. The Respondent will make available for review by the Office of Professional Medical Conduct, or a physician selected by the Respondent and approved by the Office of Professional Medical Conduct, complete copies of any and all medical and office records selected by the Office of Professional Medical Conduct.
10. Any deviation from accepted medical practice identified during any of the reviews will be discussed with the Respondent. Any pattern of substandard care identified during the probation period may result in an independent medical review and could lead to a probation violation and/or additional investigation or charges.
11. Respondent will maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances. Any pattern of substandard care identified during the probation period may result in an independent medical review and could lead to a probation violation and/or additional investigation or charges.
12. The Respondent will comply with all requirements of all sections of Article 33 of the Public Health Law and meet as scheduled with the Office of Professional Medical Conduct to provide proof of compliance.
13. Upon request, the Respondent will provide the Office of Professional Medical Conduct access to or copies of all patient records, office records, hospital records, records of administration, dispensing, and/or prescribing of