



*New York State Board for Professional Medical Conduct*

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

Dennis P. Whalen  
*Executive Deputy Commissioner of Health*  
Anne F. Saile, Director  
*Office of Professional Medical Conduct*  
William J. Comiskey, Chief Counsel  
*Bureau of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*  
Denise M. Bolan, R.P.A.  
*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

November 20, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Stephan R. Sanko, M.D.  
Rochester Obstetrics & Gynecology  
125 Lattimore Road  
Rochester, New York 14620

RE: License No. 151696

Dear Dr. Sanko:

Enclosed please find Order #BPMC 98-277 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 20, 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 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: Eric J. Ward, Esq.  
Nixon, Hargrave, Devans & Doyle, LLP  
Clinton Square  
PO Box 1051  
Rochester, New York 14603-1051

Michael A. Hiser, Esq.

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

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IN THE MATTER : CONSENT  
OF : AGREEMENT  
STEPHAN R. SANKO, M.D. : AND ORDER  
: BPMC # 98-277

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STEPHAN R. SANKO, M.D., being duly sworn, deposes and says:

On or about October 1, 1988, I was licensed to practice as a physician in the State of New York, having been issued license number 151696 by the New York State Education Department.

My current address is Rochester Obstetrics and Gynecology Associates, 125 Lattimore Road, Rochester, New York 14620, 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 Three Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I hereby do not contest the Third Specification in that I admit factual allegation A.1, and I agree not to contest factual allegation A.2.

I hereby agree to a penalty consisting of:

a one year suspension of my medical license that shall commence within 45 days after the effective date of the Order herein, with the suspension stayed provided I comply with the Terms of Probation set forth hereinafter (Exhibit B), which terms are made part of this Agreement and which terms shall begin on the effective date of the Order herein.

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.

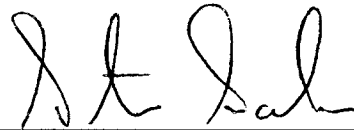
I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if 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.


A handwritten signature in cursive script, appearing to read 'S. R. Sanko', written in black ink.

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STEPHAN R. SANKO, M.D.  
RESPONDENT

AGREED TO:


DATE: 11-5-98

  
ERIC J. WARD, ESQ.  
Attorney for Respondent

DATE: 11/9/98

  
MICHAEL A. HISER, ESQ.  
ASSOCIATE COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 11/15/98

  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

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

-----X

IN THE MATTER :  
OF :  
STEPHAN R. SANKO, M.D. : ORDER

-----X

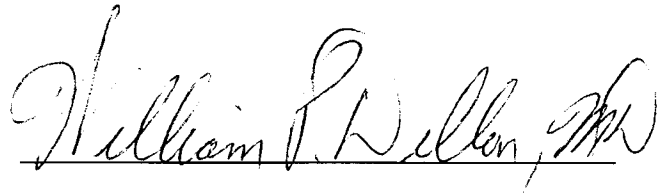
The undersigned has received the proposed agreement of STEPHAN R. SANKO, M.D. (Respondent) for Consent Order, which application has been made a part of this Order. The incidents that gave rise to this Order occurred between February 17 and 19, 1997. After being informed of this matter, the Office of Professional Medical Conduct conducted a thorough investigation, including interviews with witnesses, the Respondent, and the retention of experts to review the case. OPMC also conducted a thorough investigation into the education, training, and practice background of the Respondent. Following that investigation, OPMC has concluded that this incident constitutes the practice of medicine by the Respondent below that minimally required of New York physicians, and that a strong sanction is warranted. Given all the evidence that was gathered in the investigation, OPMC has found no evidence that this substandard practice was other than an aberration in Respondent's practice, and not representative of his approach to the responsibilities a physician assumes when he or she undertakes to treat patients. Thus, the most serious penalty options, including the revocation of the Respondent's medical license, was not deemed warranted. Accordingly, 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's attorney by certified mail, with an effective date being the date of mailing.

SO ORDERED.

DATED: 11/19/98

A handwritten signature in cursive script, reading "William P. Dillon, MD". The signature is written in black ink and is positioned above a horizontal line.

Chairperson  
State Board for Professional  
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
STEPHAN R. SANKO, M.D. : CHARGES

-----X

STEPHAN R. SANKO, M.D., the Respondent, was authorized to practice medicine in New York State on October 1, 1988 by the issuance of license number 151696 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period September 1, 1997 through August 31, 1999 with a registration address of Rochester OB-GYN Associates, 125 Lattimore Road, Rochester, New York 14620.

**FACTUAL ALLEGATIONS**

A. Respondent provided obstetrical and gynecological care to Patient A [identified in the Appendix] at various times from approximately 1988 through approximately 1997 at Respondent's office at Rochester Gynecologic and Obstetric Associates and at Strong Memorial Hospital, Rochester, New York [hereafter "Hospital"], including the delivery by caesarean sections on approximately May 11, 1989, July 2, 1990 and February 17, 1997 of Patient A's three children. Respondent's post-operative care of Patient A following the February 17, 1997 caesarean section failed to conform to accepted standards of care in that:



1. Respondent failed to see Patient A in the Hospital or to insure that she was seen by the covering physician in Respondent's group practice from the time of the caesarean section until February 19, 1997 at approximately 7:00 p.m.
2. Respondent, when he evaluated Patient A in the Hospital on February 19, 1997 at approximately 7:00 p.m., failed to appreciate and/or adequately address Patient A's deteriorating condition and/or failed to remain with Patient A and/or failed to insure that the covering physician in Respondent's group practice was advised of Patient A's condition and/or treatment plan.
3. Respondent, when called by the resident on February 19, 1997 at approximately 9:30 p.m. regarding Patient A's condition, failed to appreciate and/or adequately address Patient A's deteriorating condition and/or failed to return to the Hospital promptly to attend Patient A and/or failed to insure that the covering physician in Respondent's group practice was advised of Patient A's condition.

#### SPECIFICATIONS

#### FIRST AND SECOND SPECIFICATIONS

Respondent is charged with professional misconduct under N.Y. Education Law §6530(4) by reason of his practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges:

1. The facts in Paragraphs A and A.2.
2. The facts in Paragraphs A and A.3.


THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

3. The facts in Paragraphs A and A.1, A and A.2 and/or A and A.3.

DATED: *October 2*, 1998  
Albany, New York

  
WILLIAM J. COMISKEY  
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, 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. The notice shall be submitted within 30 days of the effective date of the Order herein. Further, Respondent shall submit written notification of 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. If any civil penalty is assessed and not paid by the date prescribed herein, the penalty 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].
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.

## COMMUNITY/PUBLIC SERVICE

7. Respondent shall perform 500 hours of community service, i.e., the equivalent of full time work for 3 months. The service must be medical in nature, and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population. A written proposal for community service must be submitted to, and is subject to the written approval of the Director of OPMC, which approval will not be unreasonably withheld. Community service performed prior to written approval shall not be credited toward compliance with this Order.
8. Respondent shall commence the period of community service on or before the 45th day after the effective date of the Order herein. During the community service period, the Respondent shall confine his practice of medicine solely to this community service. Respondent agrees that he will perform this community service without compensation for his professional services. During the community service period, Respondent further agrees that he will not undertake or perform any medical care for compensation, whenever payable. During the community service period, Respondent may continue his duties with various hospital committees of which he is a member.

Respondent's failure to begin the community service period on or before the 45th day after the effective date of the Order herein will be deemed to be a violation of the Terms of Probation and will result in Respondent being actually suspended from the practice of medicine until such time as he complies with the Terms of Probation. Likewise, Respondent's failure to complete the community service period will be deemed to be a violation of the Terms of Probation.

9. The one year period of license suspension, and the stay of that suspension pending Respondent's compliance with the Terms of Probation, shall go into effect either on the date the community service period begins, or the 45th day after the effective date of the Order herein, whichever is earliest. The Terms of Probation shall extend from the effective date of the Order herein through the end of one year following the start of the community service period.

## PRACTICE MONITOR

10. For the year of probation, Respondent shall practice medicine (including community service) subject to monitoring by a licensed physician, board certified in obstetrics and gynecology, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC, which approval will not be unreasonably withheld.

- 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 less than 20%, subject to a reduction in size at the discretion of the Director of OPMC) of both gynecologic and obstetric records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal by the Respondent 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. During the community service period, however, Respondent shall cause the practice monitor to report monthly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law, during the year of monitoring. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's commencement of the community service period after the effective date of this Order.
  - e. Any practice of medicine by the Respondent without an approved monitor in place will be deemed to be a violation of probation.
11. 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.