

PUBLIC

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

-----X

IN THE MATTER : COMMISSIONER'S  
OF : ORDER AND  
ANA MARIA SANTI, M.D. : NOTICE OF HEARING

-----X

TO: ANA MARIA SANTI, M.D.

The undersigned, Barbara A. DeBuono, M.D., M.P.H., as Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by Ana Marie Santi, the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12), that effective immediately, Ana Marie Santi, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that 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 on the 25th day

of March, 1998 at the 6th Floor, 5 Penn Plaza, New York, New York, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

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. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on her behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.


The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0751), 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. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction 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 OTHER SANCTIONS SET FORTH 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  
March 16, 1998

  
BARBARA A. DeBUONO, MD, MPH  
Commissioner of Health

Inquiries should be directed to:

William J. Comiskey  
Chief Counsel  
NYS Department of Health  
Division of Legal Affairs  
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  
ANA MARIA SANTI, M.D. : CHARGES

-----X

ANA MARIA SANTI, M.D., the Respondent, was authorized to practice medicine in New York State on August 1, 1972, by the issuance of license number 113491 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine from a registered address at 3 Holder Place, Forest Hills, New York 11375.

#### **FACTUAL ALLEGATIONS**

A. On or about May 2, 1994, the Respondent Ana Maria Santi, M.D., entered into an Application for Consent Order and order in case BPMC #94-69 in settlement of a pending professional medical conduct investigation. This investigation involved charges and allegations that the Respondent had been dependent on, and a habitual user of alcohol since prior to 1980, with periods of sobriety followed by relapse with alcohol and librium. By virtue of this misconduct, she was charged with committing professional misconduct in that she had been a habitual abuser of alcohol within the meaning of N.Y. Educ. Law §6530(8). BPMC Order #94-69 imposed a penalty suspending Respondent's license to practice medicine in the State of New York for a period of one

year, the suspension was stayed, and placing Respondent on probation for a period of five years subject to the terms enumerated in an exhibit attached to the Order. Said Consent Order, Application for Consent Order, Statement of Charges, and Term of Probation are hereto attached and made a part hereof.

A(1) Respondent practiced medicine in violation of the terms and conditions of her probation under BPMC Order #94-69 on the following dates and at the following locations.

a. On or about and between October 1997 and March 9, 1998, at the LaFontaine-Rish Medical Associates Office, 315 West 57th St., New York, New York, including but not limited to providing anesthesia services to Patient A during a procedure which resulted in the death of the patient.

b. On or about and between the fall of 1996 and March 9, 1998, for a company known as "Crown Medical," at 133 East 58th Street, New York, New York.

c. On or about and between May 2, 1994 and March 9, 1998, with Bipin Solanki, M.D., in New York City.

d. On or about and between 1995 and December 1997, with Peter Corines, M.D. in New York City.

B. On or about and between May 13, 1994 and March 9, 1998, Respondent failed to inform the Director of OPMC that she was working as a physician at the locations specified in paragraph A, and failed to provide the Director with written notice of her employment and practice at those locations and during those periods.

(B) (1) Respondent engaged in this conduct knowingly

(B) (1) Respondent engaged in this conduct knowingly and with intent to deceive the Director.

C. On or about and between May 13, 1994 and March 9, 1998, Respondent made false representations to the Director's staff that she was not practicing medicine. These representations, which were knowingly made with intent to deceive, include, but are not limited to, the following:

1. On or about November 18, 1996, in an interview precipitated by a report of a positive screen for the presence of morphine in her urine, Respondent reviewed the terms of her probation with OPMC Medical Director Nathan P. Reed, M.D. and Probation Unit Supervising Investigator Cheryl B. Ratner, and she informed Dr. Reed and Ms. Ratner that she was not engaged in the practice of medicine.
2. In a letter dated July 7, 1995, Respondent advised OPMC Case Coordinator Suzanne L. Ellsworth that she was "aware of the fact that will need a working monitor if I go back to practice. At present time I am not working, if my situation changes I will notify you."
3. In a telephone conversation with Dr. Santi on March 9, 1998, Dr. Santi told Supervising Investigator Cheryl B. Ratner that she was not engaged in the practice of medicine, and that she has "no practice" other than

doing charts and filling in paperwork.

D. On or about and between May 13, 1994 and March 9, 1998, Respondent made false representations to representatives of the Medical Society of the State of New York, Committee for Physician's Health, that she was not practicing medicine. These representations were knowingly made with intent to deceive.

**SPECIFICATIONS 1, 2, 3, 4, 5, AND 6**  
**VIOLATING PROBATION**

Respondent is charged with professional misconduct under New York Education Law Section 6530(29) by reason of her violating any term of probation or condition or limitation imposed on the licensee pursuant to §230 of the Public Health Law, in that Petitioner charges:

1. The facts in Paragraph A and A(1)(a).
2. The facts in Paragraph A and A(1)(b).
3. The facts in Paragraph A and A(1)(c).
4. The facts in Paragraph A and A(1)(d).
5. The facts in Paragraph B.
6. The facts in Paragraph C, C(1), C(2) and C(3), singularly and in combination.

**SEVENTH SPECIFICATION**  
**PRACTICING FRAUDULENTLY**

Respondent is charged with professional misconduct under New York Education Law Section 6530(2) by reason of her practicing the profession fraudulently, in that Petitioner charges:


7. The facts in Paragraphs B, B(1), C, C(1), C(2), C(3) and D, singularly and in combination.

**EIGHTH SPECIFICATION**  
**CONDUCT EVIDENCING MORAL UNFITNESS**

Respondent is charged with professional misconduct under New York Education Law Section 6530(20) by conduct in the practice of medicine evidencing moral unfitness to practice medicine, in that Petitioner charges:

8. The facts in allegations A, B, C and D, and their subparagraphs, singularly and in combination.

DATED: March 16, 1998  
Albany, New York

  
WILLIAM J. COMISKEY  
Chief Counsel  
Bureau of Professional  
Medical Conduct