



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

September 3, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Regina Willette, RPA
4584 County Route 27
Canton, NY 13617

RE: License No. 003588

Dear Ms. Willette:

Enclosed please find Order #BPMC 97-209 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: John L. Perticone, Esq.
Levene, Gouldin & Thompson, LLP
PO Box F-1706
Binghamton, NY 13902-0106

Kevin P. Donovan, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
REGINA WILLETTE, R.P.A. : AND ORDER
: BMC # 97-209

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REGINA WILLETTE, R.P.A., says:

On or about September 7, 1988, I was authorized to practice as a physician assistant in the State of New York, having been issued registration number 003588 by the New York State Education Department.

My current address is 4584 County Route 27, Canton, New York 13617 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 Twenty Five 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 Ninth specification concerning Factual Allegation C.1.

I hereby agree to the following penalty: a three year suspension of my registration to practice as a physician assistant in New York State, which suspension shall be stayed in its entirety conditioned on my full compliance, for a

probationary period of three years, with the terms of probation appended hereto as Exhibit B. Further, my registration to practice as a physician assistant shall be limited so that I may not practice obstetrics except to the extent required by my current position as a physician assistant in a hospital-based substance abuse program, or to the extent required by my participation in an accredited training program or a training program approved in writing by the Director of the Office of Professional Medical Conduct. I may apply for restoration of my ability to practice obstetrics two years from the effective date of this order by demonstrating to the satisfaction of the Director of the Office of Professional Medical Conduct (OPMC), that I have adequate knowledge, skill, and judgment to engage in obstetrics; the Director shall have sole discretion to determine whether I may have this limitation lifted. Should the Director permit me to again practice obstetrics, all records of obstetrical care I provide outside a hospital setting shall be co-signed by my supervising physician within 48 hours of the provision of care.

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 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.


REGINA WILLETTE, R.P.A.
RESPONDENT

Subscribed before me this

21st day of August, 1997.

NOTARY PUBLIC

VALERIE W. INGRAM, Notary Public
Qualified in the State of New York
St. Lawrence County No. 5008824
My commission expires 3-1.

AGREED TO:

DATE:

8/26/97

John L. Perticone
JOHN L. PERTICONE, ESQ.
Attorney for Respondent

DATE:

Kevin P. Donovan
KEVIN P. DONOVAN
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE:

Aug. 26, 1997

Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct


ORDER

Upon the proposed agreement of REGINA WILLETTE, R.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: August 27, 1997


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

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

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IN THE MATTER : STATEMENT
OF : OF
REGINA WILLETTE, R.P.A. : CHARGES

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REGINA WILLETTE, R.P.A., the Respondent, was authorized to practice as a physician assistant in New York State on September 7, 1988, by the issuance of registration number 003588 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in Appendix A), during pregnancy, labor, homebirth delivery, and/or postpartum care between about May 15, 1991, and October 9, 1991. Respondent failed to meet acceptable standards of care in that:

1. Respondent provided antepartum, intrapartum, and/or postpartum medical services to Patient A without being assigned those duties by a physician and/or without being under adequate supervision by a physician;
2. Respondent fraudulently led Patient A to believe that a physician was working with Respondent concerning the patient's pregnancy and delivery.

B. Respondent treated Patient B, a newborn, on or about September 28, 1991. Respondent failed to meet acceptable standards of care in that she provided medical services to Patient B without being assigned those duties by a physician and/or without being under adequate supervision by a physician.

E X H I B I T A

C. Respondent treated Patient C during pregnancy, labor, homebirth delivery, and/or postpartum care between about November 5, 1990, and April 3, 1991. Respondent failed to meet acceptable standards of care in that:

1. Respondent provided antepartum, intrapartum, and/or postpartum medical services to Patient C without being assigned those duties by a physician and/or without being under adequate supervision by a physician;
2. Respondent failed to adequately assess and/or document the presenting part of the fetus in a timely manner during labor;
3. Respondent failed to appropriately evaluate and/or treat Patient C's postpartum fever and bleeding.

D. Respondent treated Patient D, a newborn, on or about February 25, 1991 and/or November 8, 1991. Respondent failed to meet acceptable standards of care in that she provided medical services to Patient D without being assigned those duties by a physician and/or without being under adequate supervision by a physician.

E. Respondent treated Patient E during pregnancy, labor and/or a homebirth delivery between about April 15, 1991, and November 2, 1991. Respondent failed to meet acceptable standards of care in that:

1. Respondent provided antepartum, intrapartum, and/or postpartum medical services to Patient E without being assigned those duties by a physician and/or without being under adequate supervision by a physician;
2. Respondent failed to respond adequately and/or seek appropriate assistance during labor when she was unable to determine the presenting part of the fetus and/or when she determined that the fetus was presenting in breech position.

F. Respondent treated Patient F, a newborn, on or about November 2, 1991. Respondent failed to meet acceptable standards of care in that she provided medical services to Patient F without being assigned those duties by a physician and/or without being under adequate supervision by a physician.

G. In a letter to the Office of Professional Medical Conduct dated January 30, 1996, Respondent fraudulently wrote, concerning Patients A, B, C, and D, and/or fraudulently implied concerning Patient E, that Dr. Modi was the supervising physician in each case.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

PRACTICE OF THE PROFESSION BEYOND AUTHORIZED SCOPE

The Respondent is charged with practicing the profession beyond the scope permitted by law within the meaning of N.Y. Education Law § 6530(24), in that Petitioner charges:

1. The facts of paragraphs A and A.1.
2. The facts of paragraph B.
3. The facts of paragraphs C and C.1, C and C.2 and/or C and C.3.
4. The facts of paragraph D.
5. The facts of paragraphs E and E.1 and/or E and E.2.
6. The facts of paragraph F.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

PRACTICE OF THE PROFESSION WITHOUT ADEQUATE SUPERVISION

The Respondent is charged with performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional within the meaning of N.Y. Education Law § 6530(24), in that Petitioner charges:

7. The facts of paragraphs A and A.1.
8. The facts of paragraph B.
9. The facts of paragraphs C and C.1, C and C.2 and/or C and C.3.
10. The facts of paragraph D.
11. The facts of paragraphs E and E.1 and/or E and E.2.
12. The facts of paragraph F.

THIRTEENTH AND FOURTEENTH SPECIFICATIONS

FRAUD

Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Education Law § 6530(20), in that Petitioner charges:

13. The facts of paragraphs A and A.2.
14. The facts of paragraph G.

FIFTEENTH AND SIXTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine within the meaning of N.Y. Education Law § 6530(20), in that Petitioner charges:

15. The facts of paragraphs A and A.2.
16. The facts of paragraph G.

SEVENTEENTH SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE
ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law § 6530(3), in that Petitioner charges two or more of the following:

17. The facts of paragraphs A and A.1, B, C and C.1, C and C.2, C and C.3, D, E and E.1, E and E.2 and/or F.

EIGHTEENTH SPECIFICATION

PRACTICING THE PROFESSION WITH
INCOMPETENCE ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law § 6530(5), in that Petitioner charges two or more of the following:

18. The facts of paragraphs A and A.1, B, C and C.1, C and C.2, C and C.3, D, E and E.1, E and E.2 and/or F.

NINETEENTH SPECIFICATION

GROSS INCOMPETENCE

The Respondent is charged with practicing the profession with gross incompetence within the meaning of New York Education Law § 6530(6), in that Petitioner charges:

19. The facts of paragraphs A and A.1, B, C and C.1, C and C.2, C and C.3, D, E and E.1, E and E.2 and/or F.

TWENTIETH THROUGH TWENTY-FIFTH SPECIFICATIONSGROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence on a particular occasion within the meaning of New York Education Law § 6530(4), in that Petitioner charges:

20. The facts of paragraphs A and A.1.
21. The facts of paragraph B.
22. The facts of paragraphs C and C.1; C and C.2 and/or C and C.3.
23. The facts of paragraph D.
24. The facts of paragraphs E and E.1 and/or E and E.2.
25. The facts of paragraph F.

DATED: *July 17*, 1997
Albany, New York



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

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by 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. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine as a physician assistant 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 as a physician assistant 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 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, and penalties to which 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.