



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

November 10, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph Rudnick, M.D.
615 Route 146A
Clifton Park, NY 12065

RE: License No. 112506

Dear Dr. Rudnick:

Enclosed please find Order #BPMC 04-252 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 17, 2004.

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 or receipt of the 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

cc: Robert Katzman, Esq.
376 Broadway, Suite 21
Saratoga Springs, NY 12866-3167

Peter Millock, Esq.
Nixon Peabody
Omni Plaza, Suite 900
Albany, NY 12207-3497

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

IN THE MATTER
OF
JOSEPH RUDNICK, M.D.

CONSENT
ORDER
BPMC No. 04-252

Upon the application of, Joseph Rudnick, M.D. (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

SO ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, either

- by mailing a copy of the Consent Order either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 11/9/04


MICHAEL GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
JOSEPH RUDNICK, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Joseph Rudnick, M.D., representing that all of the following statements are true, deposes and says:

That on or about 1972, I was licensed to practice as a physician in the State of New York, and issued License No. 112506 by the New York State Education Department.

My current address is 615 Route 146A, Clifton Park, New York 12065, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I plead guilty to the specifications, in full satisfaction of the charges against me, and agree to the following penalty:

1. A three year suspension of my medical license stayed upon full compliance with the terms and conditions of probation and this Order.
2. A three year period of probation during which period I must fully comply with the terms of probation attached hereto as Exhibit B.
3. A fine of \$5,000 to be paid within 6 months of the date of the Order.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 12 04 04

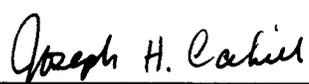

JOSEPH RUDNICK, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: _____

Robert Katzman, ESQ.
Attorney for Respondent

DATE: 10-26-04



Joseph H. Cahill
Associate Counsel
Bureau of Professional Medical Conduct

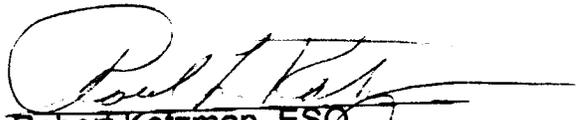
DATE: November 4 2004



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: October 15, 2004


Robert Katzman, ESQ.
Attorney for Respondent

DATE: _____

Joseph H. Cahill
Associate Counsel
Bureau of Professional Medical Conduct

DATE: November 4, 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
JOSEPH Y. RUDNICK, M.D.

STATEMENT
OF
CHARGES

Joseph Y. Rudnick, M.D., Respondent, was authorized to practice medicine in New York State, on July 1, 1972, by the issuance of license number 112506 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care and treatment to Patient A (Patients are identified in the Appendix) from 1993 through, at least, 1999 at Respondent's office located at 615 Route 146A, Clifton Park, New York 12065 (hereafter referred to as Respondent's office). Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in that:
1. Respondent failed to timely perform adequate screening tests and/or examinations for colon cancer or prostate cancer.
 2. Respondent failed to timely perform adequate tests related to the etiology of the patient's low hematocrit and iron deficiency anemia.
- B. Respondent provided medical care and treatment to Patient B from approximately 2000 through, at least 2002, at Respondent's office. Respondent's care and treatment of Patient A failed to meet accepted standards of medical care, in that:

1. Respondent failed to request consultation(s) from appropriate specialists.
2. Respondent failed to perform appropriate vascular and/or neurological tests concerning the patient's diabetes related symptoms.
3. Respondent failed to timely perform adequate screening tests and/or examinations for colon cancer or rectal cancer.

C. Respondent provided medical care and treatment to Patient C from approximately 1999 through 2001 at Respondent's office: Patient C had a significant cardiac history. Respondent's care and treatment of Patient C failed to meet accepted standards of medical care in that:

1. Respondent failed to obtain and/or record all of the patient's vital signs, including blood pressure at every patient visit.
2. Respondent failed to timely perform adequate screening tests and/or examinations for colon cancer or rectal cancer.
3. Respondent failed to request consultations from appropriate specialists.

D. Respondent provided medical care and treatment to Patient D from, at least, 1993 through 2001, at Respondent's office. Patient D had hypertension and left ventricular hypertrophy. Respondent's care and treatment of Patient D failed to meet accepted standards of medical care, in that:

1. Respondent failed to adequately treat Patient D's hypertension.
2. Respondent failed to adequately screen for dyslipidemia.

E. Respondent provided medical care and treatment to Patient E from, at least, 1999 through 2001 at Respondent's office. Patient E had a history of chronic hypertension, obesity, and poorly controlled diabetes. The patient suffered a stroke in 2001. Respondent's care and treatment of Patient E failed to meet accepted standards of medical care, in that:

1. Respondent failed to adequately treat Patient E's diabetes and/or hypertension.
2. Respondent failed to timely request consultations from appropriate specialists.
3. Respondent failed to adequately treat hyperlipidemia.

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. Education Law, § 6530(3), in that Petitioner charges two or more of the following.

1. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, C and C.1, C and C.2, C and C.3, D and D.1, D and D.2, E and E.1, E and E.2, E and E.3.

DATED: *October*
June 26, 2004
Albany, New York

Peter D. Van Buren
Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that

accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

9. Respondent shall enroll in and complete a continuing education program in an area proposed by Respondent and approved in writing, in advance, by the Director of OPMC. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period, unless the Order specifies otherwise.
10. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.