

PUBLIC

IN THE MATTER
OF
ANNETTE WINTER, M.D.
CO-03-07-3190-A

COMMISSIONER'S
SUMMARY
ORDER

TO: ANNETTE WINTER, M.D.
15 Orient Court
Ridge, NY 11961-1632

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Massachusetts Board of Registration in Medicine (hereinafter "Massachusetts Board") has made a finding substantially equivalent to a finding that the practice of medicine by **ANNETTE WINTER, M.D.**, Respondent, licensed to practice medicine in New York state on June 7, 1989, by license number 178819, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Massachusetts Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **ANNETTE WINTER, M.D.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

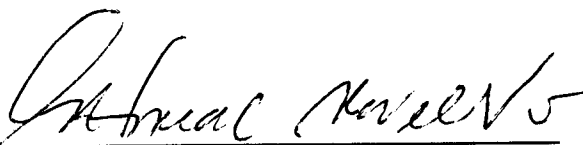
This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Massachusetts. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Referral Proceeding, together with a Statement of Charges, to be provided to the Respondent after the final conclusion of the Massachusetts proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Massachusetts proceeding, immediately upon such conclusion.

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 MAY 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 FOR THIS MATTER.

DATE: Albany, New York

Nov. 13, 2003


ANTONIA C. NOVELLO, M.D., M.P.H, Dr. P. H.
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

Board of Registration in Medicine

Adjudicatory Case No. 03-15-DALA

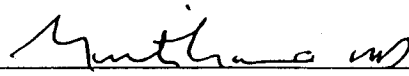
_____)
 In the Matter of)
)
 ANNETTE WINTER, M.D.)
 _____)

ORDER OF TEMPORARY SUSPENSION

In accordance with the Rules of Procedure Governing Disciplinary Proceedings of the Board of Registration in Medicine, 243 CMR 1.03(11)(a), the Board of Registration in Medicine (the "Board") **ORDERS** that

The certificate of registration to practice medicine in the Commonwealth of Massachusetts of Annette Winter, M.D. is **SUSPENDED** effective May 21, 2003, and she is directed to surrender her wallet card and wall certificate to the Board immediately. All healthcare facilities or institutions where Dr. Winter holds privileges are to be informed by her in writing within twenty-four hours of this order.

The Board has determined that, based upon the information set forth in the Motion for Summary Suspension, the health, safety, and welfare of the public necessitates said suspension.



 Martin Crane, M.D.
 Chairman

Dated: May 21, 2003

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOARD OF REGISTRATION
IN MEDICINE

ADJUDICATORY CASE NO. 03-15-DALA

_____)
 In the Matter of)
)
 Annette Winter, M.D.)
 _____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the "Board") has reason to believe that Annette Winter, M.D. (the "Respondent") has exhibited behavior which calls into question her mental stability, while she was continuing to practice medicine.

BACKGROUND

1. The Respondent was born on November 2, 1962. She is a 1988 graduate of the University of the University of Tel Aviv Sackler School of Medicine. She has been licensed to practice medicine in Massachusetts under registration number 74766 since 1991. She is certified by the American Board of Medical Specialties in internal medicine and gastroenterology. She is also licensed to practice medicine in Illinois and New York. She has privileges at Baystate Medical Center. Until approximately May 12, 2003, the Respondent was practicing medicine with the RiverBend Medical Group in Chicopee, Massachusetts.

FACTUAL ALLEGATIONS

2. The Respondent was a fellow in gastroenterology at the University of Chicago from 1996 until 1998.

3. In about June 1999, the Respondent filed a complaint alleging sexual harassment against a doctor at the University of Chicago Hospital. The complaint was found not to be valid.

4. The University of Chicago and the Respondent entered into an agreement that the doctor against whom she had complained, who had been one of her supervisors, would give no verbal statements about the Respondent to any prospective employer.

5. The Respondent filed a subsequent complaint against the University of Chicago with the Equal Employment Opportunity Commission alleging interference with her employment opportunities. This complaint was dismissed.

6. In letter dated March 14, 2002, outside counsel from the University of Chicago informed the Respondent that although she had been requested to cease contacting University of Chicago personnel and University of Chicago Hospital personnel, she continued to do so, and that there was nothing left to negotiate and she "must stop this harassment."

7. On April 8, 2003, the Respondent contacted the Assistant General Counsel of CareGroup Healthcare System (CareGroup). She told her that the dean of a local medical school (the "Dean") had prevented her from settling her sexual harassment case with the University of Chicago; and had prevented her from obtaining employment in Massachusetts. The Respondent further indicated that she was calling from a pay phone because the Dean had been tapping her home phone and she had disconnected it. When the Respondent was asked what she wanted the Assistant General Counsel to do about the Dean, the Respondent replied, "Just shoot him."

8. The Dean has never met with nor spoken to the Respondent. He had never heard of the Respondent until about March 2003.

9. On April 18, 2003, the Assistant General Counsel of CareGroup contacted the Board with concerns about the Respondent's mental condition.

10. On April 30, 2003, the Respondent sent a copy of a letter she had written to the president of the Dean's university, to the Dean's elderly parents. In the letter, the Respondent indicated that the Dean had blocked her attempts to resolve her situation with the University of Chicago, including tapping her telephone line and conducting surveillance through her landlady. She further indicated that the Dean was a complete stranger to her, but had listened to her private conversations and details of her life over the past two years.

11. On or about May 8, 2003, the Respondent was evicted from her apartment by the property manager due to her erratic behavior and due to a confrontation between the Respondent and the property manager.

12. On May 13, 2003, the Board received e-mail from the Respondent. In that e-mail the Respondent indicated that the Dean was obstructing the resolution of her dispute with the University of Chicago by listening to her phone calls and conducting surveillance checks thorough her landlady. She stated that she believed the Dean "has resorted in a desperate measure to continue his pattern of harassment."

12. On May 15, 2003, the Respondent met with an Assistant District Attorney from Hampden County. She informed her that the Dean was tapping her phone and spying on her by questioning her former landlord. She said that the Dean was responsible

for her lack of employment and the difficulties she was having with her settlement with the University of Chicago Hospital.

13. On May 16, 2003, the Respondent met with an Assistant United States Attorney in Springfield, Massachusetts. She informed him that the Dean was tapping her phone and spying on her by questioning her old landlord. The Respondent indicated that the Dean was responsible for her lack of employment and for the problems with her settlement with the University of Chicago Hospital.

14. On May 15, 2003, a psychiatrist from a local hospital, completed an Application for and Authorization of Temporary Involuntary Hospitalization of the Respondent pursuant to G.L. c. 123, §12.

LEGAL BASIS FOR PROPOSED RELIEF

Pursuant to G.L. c. 112, § 5(c) and 243 CMR 1.03(5)(a)(3), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician engaged in conduct which places into question the physician's competence to practice medicine.

Pursuant to G.L. c. 112, § 5(d) and 243 CMR 1.03(5)(a)(4), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has practiced medicine while her ability to practice is impaired by alcohol, drug, physical disability or mental instability.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §5, 61, and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

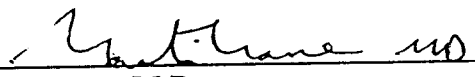
NATURE OF RELIEF SOUGHT

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

ORDER

Wherefore, it is hereby ORDERED that the Respondent show cause why he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,



Martin Crane, M.D.
Chairman

Dated: May 21, 2003