



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

July 14, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Antonio Alandy, M.D.
405 Tenth Street
Eureka, South Dakota 57437

RE: License No. 172037

Dear Dr. Alandy:

Effective Date 07/21/92

Enclosed please find Order #BPMC 92-58 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X

IN THE MATTER :

OF :

ANTONIO ALANDY, M.D. :

ORDER

BPMC # 92-58

-----X

Upon the application of Antonio Alandy, M.D.,
Respondent, for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions
thereof are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED:

9 July 1992

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ANTONIO ALANDY, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

ANTONIO ALANDY, M.D., being duly sworn, deposes and says:
That on or about August 25, 1987, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 172037 by the New York State Education
Department.

I am currently registered with the New York State
Education Department to practice as a physician in the State of
New York for the period January 1, 1991 through December 31,
1992 from 310 First Avenue, Apt. 8H, New York, N.Y. 10009.

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

A copy of the Statement of Charges is annexed hereto, made
a part hereof, and marked as Exhibit "A".

I admit guilt to the Third and Fourth Specifications of
the Statement of Charges, and all the factual allegations

charged thereunder, in full satisfaction of the charges against me.

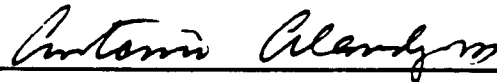
I hereby agree to the penalty that my license be suspended for two years, such suspension to be stayed, with two years probation, and a fine of \$10,000 payable in equal quarterly installments over the two year probationary period. A copy of the Terms of Probation is annexed hereto, made a part hereof, and marked as Exhibit "B."

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ANTONIO ALANDY, M.D.
RESPONDENT

Sworn to before me this
30th day of June, 1973.



NOTARY PUBLIC

MARCIA E. KAPLAN
Notary Public, State of New York
No. 31-4786421
Qualified in New York County
Commission Expires November 30, 1975

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
ANTONIO ALANDY, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 6-30-92

Antonio Alandy, M.D.

ANTONIO ALANDY, M.D.
RESPONDENT

Date: 6/30/92

Jeffrey M. Rubin

ATTORNEY FOR RESPONDENT

Jeffrey M. Rubin.
Rubin & Shang
515 Madison Ave, N.Y., N.Y. 10022

Date: June 30, 1992

Marcia E. Kaplan

MARCIA E. KAPLAN
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: July 13, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 9 July 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X
: IN THE MATTER :
: OF : NOTICE
: ANTONIO ALANDY, M.D. : OF
: HEARING
-----X

TO: ANTONIO ALANDY, M.D.
405 Tenth Street
Eureka, South Dakota 57437
Ninth Street & C Avenue
Eureka, South Dakota 57437

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 30th day of June, 1992 at 10:00 in the forenoon of that day at 5 Penn Plaza, 6th Fl., N.Y., N.Y. 10001 and at such other adjourned dates, times and places as the committee may direct.

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. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce

witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), 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. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. 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.

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 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 RECOMMENDATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW Section 230-a (McKinney Supp. 1992). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York

May 14, 1992


CHRIS STERN HYMAN
Counsel

Inquiries should be directed to: Marcia E. Kaplan
Associate Counsel
5 Penn Plaza 6th Fl.
New York, N.Y. 10001

Telephone No.: 212 613-2615

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ANTONIO ALANDY, M.D. : CHARGES

-----X

ANTONIO ALANDY, M.D., the Respondent, was authorized to practice medicine in New York State on August 25, 1987 by the issuance of license number 172037 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 310 First Avenue, Apt. 8H, New York, N.Y. 10009.

FACTUAL ALLEGATIONS

A. During the period from in or about August, 1988 through in or about February, 1989, Respondent provided care and treatment to ten patients, Patients A - J. (The identities of Patients A-J are disclosed in the attached Appendix.) Every patient was noted to present with asthma or bronchitis, epigastric pain and backache. In each case, the physical examination was noted as negative. All of the patients received Zantac, Proventil, Pronemia, a non-steroidal anti-inflammatory

agent, a tranquilizer or an antidepressant or both, a prescription for creams and soaps, and condoms. A hepatic, renal and/or pancreatic sonogram was performed on Patients A-I and in each case it was normal.

1. Respondent failed to perform and/or note an adequate medical history for Patients A-J.
2. Respondent failed to perform and/or note appropriate physical examinations of Patients A-J.
3. Respondent failed to perform and/or note appropriate diagnostic work-ups of Patients A-J.
4. Respondent failed to evaluate and/or treat Patients A-E and G-J appropriately for asthma, and/or failed to note such evaluation and treatment.

5. Respondent prescribed Proventil inappropriately for Patients A-J.
6. Respondent failed to evaluate and/or treat Patients A-J appropriately for epigastric pain, and/or failed to note such evaluation and treatment.
7. Respondent ordered and/or performed abdominal sonography inappropriately for Patients A-I.
8. Respondent prescribed Zantac inappropriately for Patients A-J.
9. Respondent failed to evaluate and/or treat Patients A-J appropriately for backache, and/or failed to note such evaluation and/or treatment.
10. Respondent prescribed a non-steroidal anti-inflammatory agent inappropriately for Patients A-J.

11. Respondent prescribed tranquilizers and anti-depressant medications, including Valium and Ativan, inappropriately for Patients A-J.

12. Respondent knowingly ordered, performed and/or prescribed Proventil, abdominal sonography, Zantac, non-steroidal anti-inflammatory agents, tranquilizers and anti-depressant medications, Pronemia, Phisohex, and steroid creams for Patients A-J, not in the good faith practice of medicine.

13. Respondent failed to perform or note medical procedures for which he submitted reimbursement claims for services rendered to Patient A on 11/9/88, Patient E on 9/14/88 and 12/15/88, Patient F on 9/15/88, Patient G on 9/6/88, 9/22/88, 11/1/88, and Patient J on 9/6/88 and 2/9/89.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, A.12 and/or A.13.

SECOND SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Sec. 6530(3) (McKinney Supp. 1992), in that Petitioner charges Respondent with having committed at least two of the following:

2. The facts in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, and/or A.12.

THIRD SPECIFICATION

ORDERING OF EXCESSIVE TESTS OR TREATMENT NOT WARRANTED BY THE CONDITION OF THE PATIENT

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(35) (McKinney Supp.1992), in that he ordered excessive tests or treatment not warranted by the condition of patients A-J, in that Petitioner charges:

3. The facts in paragraph A, A.5, A.7, A.8, A.10, and/or A.11.

FOURTH SPECIFICATION

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with unprofessional conduct under

N.Y. Educ. Law Section 6530(32) (McKinney Supp.1992), in that he failed to maintain a record for each of Patients A-J which accurately reflects his evaluation and treatment of these patients, in that Petitioner charges:

4. The facts in paragraph A, A.1, A.2, A.3, A.4, A.6, A.9, and/or A.13.

DATED: New York, New York
May 14, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. Antonio Alandy, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.