



***New York State Board for Professional Medical Conduct***

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

*Richard F. Daines, M.D.  
Commissioner  
NYS Department of Health  
James W. Clyne, Jr.  
Executive Deputy Commissioner  
Keith W. Servis, Director  
Office of Professional Medical Conduct*

*Public*

*Kendrick A. Sears, M.D.  
Chair  
Carmela Torrelli  
Vice Chair  
Katherine A. Hawkins, M.D., J.D.  
Executive Secretary*

October 27, 2010

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Arnold Drew Kolman, R.P.A.

REDACTED

Re: License No. 002693

Dear Mr. Kolman:

Enclosed is a copy of BPMC #10-212 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 3, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

---

IN THE MATTER  
OF  
ARNOLD DREW KOLMAN, P.A.

CONSENT  
ORDER

BPMC No. #10-212

Upon the application of **ARNOLD DREW KOLMAN, P.A.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this 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 or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 10-26-2010

! REDACTED

---

KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

IN THE MATTER

CONSENT

OF

AGREEMENT

ARNOLD DREW KOLMAN, P.A.  
CO-09-10-6642-A

---

**ARNOLD DREW KOLMAN, P.A.**, (Respondent), representing that all of the following statements are true, deposes and says:

That on or about July 1, 1985, I was authorized to practice as a physician assistant in the State of New York and issued certificate number 002693 by the New York State Education Department.

My current address is REDACTED, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

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

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a \$5,000.00 fine, the requirements I comply with all the terms in the July 17, 2009, Texas Physician Assistant Board, Agreed Order and appear before the Director prior to practicing as a physician assistant in New York state, and that I keep my New York state certificate of registration active.

As I have not practiced as a physician assistant in New York state in many years and I do not intend to return to practice as a physician assistant in New York state, I do not contest the two (2) Specifications, and:

I agree, in lieu of the settlement offered by the State of New York:

to never practice as a physician assistant in New York state  
or activate my registration to practice as a physician assistant in New York state.

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

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent 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 New York 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 the Consent 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 or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.



**IN THE MATTER**  
**OF**  
**ARNOLD DREW KOLMAN, P.A.**  
**CO-09-10-6642-A**

**STATEMENT**  
**OF**  
**CHARGES**

---

**ARNOLD DREW KOLMAN, P.A.**, Respondent, was authorized to practice as a physician assistant in New York state on July 1, 1985, by the issuance of certificate number 002693 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 17, 2009, the Texas Physician Assistant Board (hereinafter "Texas Board"), by an Agreed Order (hereinafter "Texas Order"), inter alia, required Respondent to successfully complete ten (10) hours of CME in ethics and medical recordkeeping, to take and pass, with a score of 75 or above, the Texas Physician Assistant Jurisprudence Examination, and to pay a \$2,000.00 administrative penalty, based on failing to practice in an acceptable manner consistent with public health and welfare and prescribing, dispensing, or administering drugs or treatments that are nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is prescribed, dispensed, or administered.

B. The conduct resulting in the Texas Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion); and/or
2. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if

committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

### SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *September 9*, 2010  
Albany, New York

REDACTED

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