



New York State Board for Professional Medical Conduct

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

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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

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Denise M. Bolan, R.P.A.
Vice Chair

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

April 25, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Peter J. Danke, R.P.A.
152 Livermore Avenue
Staten Island, New York 10314

RE: License No. 004909

Dear Mr. Danke:

Enclosed please find Order #BPMC 01-100 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 25, 2001.

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 to 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: Paul Danke, Jr., Esq.
Amabile and Erman, P.C.
1000 South Avenue
Staten Island, New York 10314

Anthony M. Benigno, Esq.

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

IN THE MATTER
OF
PETER J. DANKE, R.P.A.

SURRENDER
ORDER
BPMC No. 01-100

Upon the proposed agreement of Peter J. Danke, R.P.A. (Respondent) to Surrender his license as a registered physician assistant in the State of New York, which proposed agreement is made a part hereof, it is agreed to and


ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of registered physician assistants in the State of New York; it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4/23/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
PETER J. DANKE, R.P.A.

SURRENDER
OF
LICENSE

Peter J. Danke, R.P.A., representing all statements herein made to be true, deposes and says:

On or about January 5, 1995, I was licensed to practice medicine as a registered physician assistant in the State of New York having been issued License No. 004909 by the New York State Education Department.

My current address is 152 Livermore Avenue, Staten Island, New York 10314, 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 four specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a registered physician assistant in the State of New York on the grounds that I do not contest the first two specifications of misconduct in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 shall be issued striking my name from the roster of registered physician assistants in the State of New York without further notice to me. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

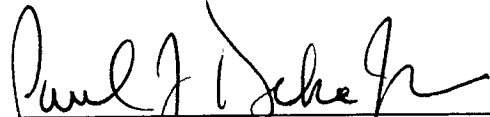
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Date: 4/2/01


PETER J. DANKE, R.P.A.
Respondent

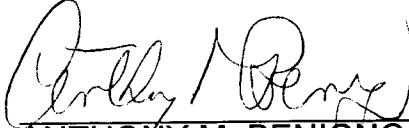
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 4/2/01



PAUL DANKE, JR., ESQ
Attorney for Respondent

Date: 4/10/01



ANTHONY M. BENIGNO
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 4/13/01



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
PETER J. DANKE, R.P.A.

STATEMENT
OF
CHARGES

Peter J. Danke, R.P.A., the Respondent, was authorized to practice medicine in New York State on or about January 5, 1995, by the issuance of license number 004909 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 4, 2000, Respondent entered into an agreement with the New York State Board for Professional Medical Conduct (Board) temporarily surrendering his New York license to practice as a registered physician assistant, hereto annexed as Exhibit 1. One of the conditions of the Order prohibited him from practicing medicine in any location, both in and outside of New York State. Respondent practiced as a cardiothoracic surgery physician assistant at Newark Beth Israel Medical Center from April 10, 2000, until November 17, 2000.
- B. On or about November 17, 2000, at Newark Beth Israel Medical Center a syringe of Fentanyl was reported missing from a medication cart. A drug screening urine test was immediately conducted on Respondent which was positive for Diprovan. Respondent then resigned his position at Newark Beth Israel and relinquished his original license and current biennial registration to the physician's health program of the state of New Jersey.
- C. On or about January 25, 2001, Respondent entered into a voluntary agreement surrendering his New Jersey license to practice as a physician's assistant based upon the facts in paragraph B.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING VIOLATED A CONDITION IMPOSED ON LICENSEE

PURSUANT TO PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law §6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230(13) of the Public Health Law, in violation of the terms of the temporary surrender agreement entered into by Respondent on January 4, 2000, in that Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

PRACTICING WHILE IMPAIRED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7) by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability as alleged in the facts of the following:

2. The facts as alleged in paragraph B.

THIRD SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. 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 [namely N.Y. Educ. Law §§6530 (7) & (29)] as alleged in the facts of the following:

3. The facts in paragraphs A, B and/or C.

FOURTH SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state [namely N.Y. Educ. Law §6530(7) and (29)] as alleged in the facts of the following:

4. The facts in paragraphs A, B and/or C.

DATED: *April 10, 2001*
Albany, New York

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

IN THE MATTER
OF
PETER JOHN DANKE, R.P.A.

TEMPORARY
SURRENDER
OF
LICENSE

STATE OF NEW YORK)
COUNTY OF) ss.:

PETER JOHN DANKE, R.P.A., being duly sworn, states:

1. On or about January 5, 1995, I was licensed to practice as a Registered Physician Assistant (RPA) in the State of New York. I hold license number 004909. I am currently not licensed as an RPA in any jurisdiction other than New York State, with the exception of: (list the jurisdictions and license numbers or write "NONE")

NEW JERSEY LIC. No. 269

2. My current address is 152 Livermore Avenue, Staten Island, NY 10314. I will advise the Director of the Office of Professional Medical Conduct (OPMC) within 30 days of any change in my address.

3. I am at present incapacitated for active practice as an RPA due to substance abuse.

4. My incapacity has not resulted in harm to any patient.

5. I hereby surrender my license document and my registration certificate to the ~~State~~ Board for Professional Medical Conduct (the Board), pursuant to New York Public Health Law Section 230(13) (McKinney Supp. 1999).

6. Prior to submitting this Temporary Surrender document, I maintained privileges or an affiliation at Columbia Presbyterian Medical Center.

7. I maintain no privileges or affiliations with any other hospital.

8. I understand that unless and until my license is restored to me, my licensure status is "inactive" and I am not authorized to practice as an RPA. I further

understand that any practice as an RPA while my license is "inactive" shall constitute a violation of N.Y. Educ. Law Section 6530(12) (McKinney Supp. 1999), regardless of the location of such practice.

9. Unless and until my license is restored to me, I shall notify all persons who request my medical services that I have temporarily withdrawn from practice as an RPA. I understand that the Department of Health shall notify hospitals and other health care facilities where I have privileges, the Federation of State Medical Boards, the Federal National Practitioner Databank, and other parties inquiring as to my licensure status, that I have temporarily surrendered my RPA license and registration pursuant to Pub. Health Law Sec. 230(13), that my license is currently "inactive," and that my temporary surrender of license and change in licensure status is not disciplinary in nature.

10. This temporary surrender shall not be an admission of permanent disability or of professional misconduct, and shall not be used as evidence of a violation of N.Y. Educ. Law Sections 6530(7) and/or (8) (McKinney Supp. 1999) unless I practice as an RPA while my license is "inactive", regardless of the location of any such practice.

11. I understand that my license shall be restored to me only upon a showing to the satisfaction of a Committee of Professional Conduct of the State Board for Professional Medical Conduct that I am no longer incapacitated for active practice as an RPA.

12. I understand that upon my request, a meeting of a committee of the Board shall be convened for the purpose of my making the showing referred to in paragraph 11. The Board will make reasonable attempts to convene a committee not later than 90 days after the Director of OPMC receives my request, which *must* include all that is required to be provided by me pursuant to paragraph 13 below. Failure by me to provide such material will delay the convening of a committee.

13. At the time that I request that a meeting of a committee of the Board be

scheduled, pursuant to paragraph 12, I will provide the Director of OPMC, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, with the following:

- a. The signed acknowledgement from the sobriety monitor referred to in paragraph 15b.
- b. The signed acknowledgement from the supervising physician referred to in paragraph 15c.
- c. The signed acknowledgement from the health care professional referred to in paragraph 15d.
- d. Certified true and complete copies of records of all evaluations and treatment, relating to my impairment, whether that evaluation and treatment occurred prior to or during the time this surrender is in effect. These records should include the results of all urine/blood/breathalyzer tests conducted to detect the presence of drugs/alcohol.
- e. Fully executed waivers of patient confidentiality concerning any previous and prospective evaluation and treatment records.
- f. An independent current in-depth chemical dependency evaluation by a health care professional in a licensed facility and, upon the direction of the Director of OPMC, an independent, complete psychiatric evaluation by a board certified psychiatrist.
- g. My attendance at, participation in, and cooperation with an interview conducted by personnel of OPMC, upon the request of the Director thereof.
- h. A Compliance Report from the Medical Society of the State of New York - Committee on Physicians' Health, if I have been a participant in any activity or program thereof.

Provision of the aforesaid documents does not constitute a showing that I am no longer incapacitated for the active practice of medicine.

14. At the proceeding referred to in paragraph 12, I will provide the committee, at a minimum, with the following:

- a. Certified true and complete records of treatment in a residential rehabilitation or day-treatment program or intensive treatment in an out-patient service.
- b. Evidence of compliance with the terms of a continuing after-care out-patient treatment plan that addresses the major problems associated with my illness.

The aforesaid evidence must be submitted to the Office of Professional Medical Conduct no later than fourteen days prior to the scheduled proceeding. Failure to timely submit any item of such evidence may, in the discretion of the Committee, result in preclusion of such evidence or an adjournment of said proceeding to a later date, in order to provide the Committee with a full opportunity to review such evidence. Such adjournment shall be to a date no earlier than fourteen days after submission of the required evidence to the Office of Professional Medical Conduct, but may be to a later date determined by the members of the Committee. Submission of the aforesaid evidence does not constitute a showing that I am no longer incapacitated for active practice as an RPA.

15. If the Chairperson of the committee issues an order (Order) restoring my license, the Order shall include a period during which my practice as an RPA shall be subject to conditions imposed pursuant to New York Public Health Law §230(13)(a). My practice shall be subject to such conditions for a period of no less than two years. The minimum conditions will be the following:

- a. I will remain drug and alcohol free.
- b. My sobriety will be monitored by a health care professional, proposed by me and approved in writing by the Director of

OPMC, in accordance with the conditions of restoration set forth in or annexed to the Order. Said monitor shall acknowledge his/her willingness to comply with the monitoring by executing the acknowledgement provided by OPMC, and referred to in paragraph 13(a).

- i. Said monitor shall be familiar with my history of substance abuse, with this temporary surrender, and with the conditions of practice set forth in or annexed to the Order. Said monitor shall not be my treating physician.
- ii. Said monitor shall see me at least twice during a quarter.
- iii. Said monitor shall direct me to submit to unannounced tests of my blood, breath, and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by me or is positive.
- iv. Said monitor shall report to OPMC any noncompliance with the imposed conditions.
- v. Said monitor shall not be a personal friend.
- vi. Said monitor shall submit to OPMC quarterly reports either certifying my compliance, or detailing my failure to comply, with each of the conditions imposed. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.

- c. I will be supervised in my practice by a licensed physician, proposed by me and approved in writing by the Director of OPMC, in accordance with the conditions contained in or annexed to the Order. Said supervising physician shall be familiar with my history of substance abuse and with the Order and its conditions. Said supervisor shall supervise my compliance with the conditions of practice imposed by the Order. Said supervising physician shall be in a position regularly to observe and assess my practice. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing the acknowledgement provided by OPMC, and referred to in paragraph 13(b).
- i. Said supervising physician shall have the authority to direct me to submit to unannounced tests of my blood, breath, and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by me or is positive.
 - ii. Said supervising physician shall submit to OPMC quarterly reports regarding the quality of my practice, any unexplained absences from work and certifying my compliance or detailing my failure to comply with each condition imposed.
 - iii. Said supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.

- d. I will continue in treatment with a health care professional proposed by me and approved in writing by the Director of OPMC, for as long as the health care professional determines it is necessary.
- i. My treating health care professional shall submit to OPMC quarterly reports certifying that I am complying with the treatment.
 - ii. Said treating health care professional shall report to OPMC immediately if I am noncompliant with my treatment plan, or if I demonstrate any significant pattern of absences.
 - iii. Said treating health care professional shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing the acknowledgement provided by OPMC and referred to in paragraph 13(c).
- e. At the direction of the Director of OPMC, I will submit to evaluations by a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding my condition and my fitness or incapacity to practice as an RPA.

16 I agree that the terms set out in paragraph 15 are the minimum conditions to be imposed on my practice upon restoration of my license, and that other terms may be added by the Committee at the time of license restoration, and that the costs of complying with all such terms will be my responsibility. I understand that any failure by me to comply with the conditions imposed upon my practice at the time of license restoration, may result in disciplinary action being brought against me

charging professional misconduct as defined by the New York State Education Law including but not limited to N.Y. Educ. Law Section 6530(29) (McKinney Supp. 1999). That section defines professional misconduct to include "violating any... condition... imposed on the licensee pursuant to section two hundred thirty of the public health law."

17. I hereby agree to submit signed statements to the Director of OPMC, c on an annual basis, certifying that I have not practiced as an RPA, in any location, at any time subsequent to this surrender of my license, utilizing forms to be supplied to me by OPMC.

18. In the event that a committee of the Board issues an Order restoring my license or denying my application for restoration of license, the Department of Health shall notify all parties notified of my temporary surrender of license, withdrawal from practice, and change in licensure status to "inactive" (see paragraph 9 above) of the Order granting restoration of my license or denying my petition for restoration.


PETER JOHN DANKE, R.P.A.

Sworn to before me this

4th day of Jan, 2000, 1999.


NOTARY PUBLIC

PAUL J DANKE JR
Notary Public State of New York
No. 02DA43-4980926
Qualified in Richmond County
Commission Expires 04/29/02

Accepted:

Jan 12 2000

Dated:

Anne Gule

for: NEW YORK STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

CERTIFICATION OF ABSTENTION FROM PRACTICE

I, PETER JOHN DANKE, R.P.A., in compliance with the terms of my temporary surrender of my New York State license to practice as an RPA, pursuant to N.Y. Public Health Law Section 230(13), have at all times during the calendar year 199__ (specify year), abstained from such practice in all locations, both within and outside New York State.

 R.P.A. C

PETER JOHN DANKE, R.P.A.

1/4/2000

DATE