



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Acting Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

*Public*

February 13, 2015

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Karen Andrews, R.P.A.



Karen Andrews, R.P.A.



Jude B. Mulvey, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

**RE: In the Matter of Karen Andrews, R.P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No. 15-032) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah

Enclosure

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

-----X  
IN THE MATTER  
OF  
KAREN ANDREWS, R.P.A.  
CO-13-03-1258A

DETERMINATION  
AND  
ORDER

-----X  
BPMC #15-032

COPY

A hearing was held on January 14, 2015, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated December 2, 2014, were served upon the Respondent, **KAREN ANDREWS, R.P.A.**

Pursuant to Section 230(10)(e) of the Public Health Law, **William A. Tedesco, M.D.**, Chair, **Elaine L. Wilk, D.O., FACOEP.**, and **Richard H. Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **James E. Dering, Esq.**, General Counsel, by **Jude B. Mulvey, Esq.**, of Counsel. The Respondent, **Karen Andrews, R. P.A.**, did not appear, although duly served. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(d) – by having her license to practice as a physician’s assistant suspended, or having other disciplinary action taken, after a disciplinary action was Instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or disciplinary action would, if committed in New York State constitute professional misconduct.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Karen Andrews, R.P.A.**, the Respondent, did not appear at the hearing, although she was duly served and notified of the hearing on December 5, 2014. (Petitioner's Exhibit 2.)

2. **Karen Andrews, R.P.A.**, the Respondent, was authorized to practice as a Physician's Assistant in New York State on or about January 23, 1998, by the issuance of license number 006245 by the New York State Education Department. (Petitioner's Exhibit 4.)

3. On or about December 12, 2012, Respondent entered Into a Consent Agreement and Order ("Pennsylvania Consent Order") with the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs ("Bureau of Professional and Occupational Affairs"), after a disciplinary action was instituted. (Petitioner's Exhibit 5)

4. In the Pennsylvania Consent Order, Respondent admitted that she suffered from a mental or physical condition and/or illness that rendered her unable to practice as a physician's assistant with reasonable skill and safety to patients by reason of her addiction to drugs or alcohol. Respondent's license was indefinitely suspended for a period of four (4) years. (Petitioner's Exhibit 5)

5. The conduct resulting in the Pennsylvania Consent Order against Respondent would constitute misconduct under the laws of New York State, pursuant to the following section of New York State law:

New York Education Law § 6530 (8) (habitual abuser of alcohol or habitual user of drugs or having a psychiatric condition which impairs practice).

### **VOTE OF THE HEARING COMMITTEE**

#### **SPECIFICATION**

"Respondent violated New York Education Law Section 6530(9)(d) by having her license to practice as a physician's assistant suspended, or having other disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or disciplinary action would, if committed in New York State, constitute professional misconduct..." :

VOTE: Sustained (3-0)

## HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Attempted Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for due diligence in the service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence. The record in this case indicates that Respondent entered into a Consent Agreement and Order ("Pennsylvania Consent Order) with the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs ("Bureau of Professional and Occupational Affairs"), after a disciplinary action was instituted. It is noted that in the Pennsylvania Consent Order, Respondent admitted that she suffered from a mental or physical condition and/or illness that rendered her unable to practice as a physician's assistant with reasonable skill and safety to patients. Respondent's license was indefinitely suspended for a period of four (4) years. The Pennsylvania Consent Order is attached hereto as Appendix 2 and is marked Petitioner's Exhibit 5.

The panel reviewed the entire record in this matter and considered the full range of penalties available pursuant to PHL §230-a, and determined the appropriate penalty to be a suspension until the Pennsylvania Suspension is lifted and she is restored to full practice, without restriction in that Commonwealth.

The panel further determined that if the Respondent decided to return to New York she would then be placed on probation for a minimum of one (1) year until she satisfies the Director of OPMC that she is fit to practice as a Physician's Assistant. In addition, the panel determined that the New York probation should include a provision for a sobriety monitor during the period of probation.

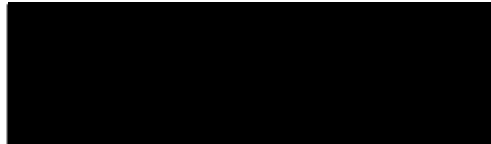
### ORDER

#### IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is SUSTAINED.
2. The Respondent's license to practice as Physician's Assistant in New York is Suspended until such time as she is cleared for full practice by the State Board of Medicine of the Commonwealth of Pennsylvania and the term of probation in that State has been lifted.
3. Should the Respondent decide to return to practice in New York State she then is to be placed on a term of probation for a minimum of one (1) year and until such time as the Director of OPMC deems her fit to return to practice. The New York probation is to include a provision for a sobriety monitor. The terms of the New York probation are attached hereto as Appendix 3 and are incorporated into this Order.



DATED: Glens Falls, New York  
February 12, 2015



**William A. Tedesco, M.D., Chair**

**Elaine L. Wilk, D.O., FACOEP.,  
Richard H. Edmonds, Ph.D.,**

To: **Karen Andrews, R.P.A.**



**Karen Andrews, R.P.A.**



Jude B. Mulvey, Esq.  
Attorney for Petitioner  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Coming Tower Building, Room 2512  
Albany, New York 12237

## APPENDIX 1

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

IN THE MATTER

OF

KAREN ANDREWS, R.P.A.  
CO-13-03-1258A

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Karen Andrews, R.P.A.

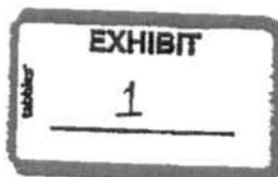
Karen Andrews, R.P.A.

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 14<sup>th</sup> day of January, 2015, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.



If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

**YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here [REDACTED]


The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five (5) days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

*December 2* 2014

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Jude B. Mulvey  
Associate Counsel  
Bureau of Professional Medical Conduct  
Coming Tower - Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

**IN THE MATTER**  
**OF**  
**KAREN ANDREWS, R.P.A.**

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

KAREN ANDREWS, R.P.A., the Respondent, was authorized to practice as a Physician's Assistant in New York State on or about January 23, 1998, by the issuance of license number 006245 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 12, 2012, Respondent entered into a Consent Agreement and Order ("Pennsylvania Consent Order") with the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs ("Bureau of Professional and Occupational Affairs"), after a disciplinary action was instituted. In the Pennsylvania Consent Order, Respondent admitted that she suffered from a mental or physical condition and/or illness that rendered her unable to practice as a physician's assistant with reasonable skill and safety to patients by reason of her addiction to drugs or alcohol. Respondent's license was indefinitely suspended for a period of four (4) years. Among other terms imposed, Respondent, after at least one year elapsed, could petition the Pennsylvania Medical Board for reinstatement if she has been evaluated by an approved provider who opines that she is safe to return to the practice of medicine and, if reinstatement is granted, Respondent shall be placed on three years probation with terms including support group attendance, abstention from controlled substances and/or alcohol, random drug testing, monitored practice and periodic evaluations. The Pennsylvania Consent Agreement was approved and adopted by the Pennsylvania State Board of Medicine on or about February 6, 2013.

B. The conduct resulting in the Pennsylvania Consent Order 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 (8) (habitual abuser of alcohol or habitual user of drugs or having a psychiatric condition which impairs practice).

**SPECIFICATION OF CHARGES**

Respondent violated New York Education Law § 6530 (9)(d) by having her license to practice as a physician's assistant suspended, or having other disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or disciplinary action would, if committed in New York State, constitute professional misconduct, in that Petitioner charges:

1. The facts in Paragraphs A and B.

DATE: December 2, 2014  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

## APPENDIX 2



COPY

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

RECEIVED  
FEB 13 2013  
Docket

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

vs.

Karen Andrews, P.A.,  
Respondent

Docket No. 1079-49-13  
File No. 10-49-06156

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (Act), 63 P.S. §§422.1 et seq. and Medical Care Availability and Reduction of Error (Mcare) Act, Act of March 20, 2002, P.L. 154, No. 13, 40 P.S. §§1303.101-1303.910.

2. At all relevant and material times, the Respondent, Karen Andrews, P.A., was licensed to practice as a physician assistant in the Commonwealth of Pennsylvania, License No. MA051929.

3. The Respondent admits that the following facts are true:

a. Respondent's license expired on 1/31/11, but could be renewed thereafter upon the filing of the appropriate documentation and the payment of the necessary fees.

b. The Respondent's last known address on file with the Board is 34 Natures Lane, White Haven, PA 18661.

c. Respondent last practiced in the Wilkes Barre, PA area.

EXHIBIT  
5

d. Respondent admits that she has suffered from a mental or physical condition and/or illness that rendered her unable to practice as a physician assistant with reasonable skill and safety to patients.

4. Based on the actions of Respondent as described above, the Board has the authority to impose disciplinary or corrective measures on Respondent under 63 P.S. §422.41(5).

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board is authorized to suspend, revoke or otherwise restrict Respondent's license under 63 P.S. §422.41(5) in that Respondent has been unable to practice as a physician assistant with reasonable skill and safety to patients by reason of addiction to drugs or alcohol.

b. Respondent's license, No. MA051929, is indefinitely **SUSPENDED** for no less than 4 years.

c. Upon the effective date of the Consent Agreement, and during any period of active suspension, Respondent shall cease and desist from practicing as a physician assistant, and shall not represent herself as a Board licensee in any matter during any period of active suspension.

d. **AFTER A PERIOD OF NO LESS THAN ONE YEAR**, Respondent may file a Petition with the Board indicating she has been evaluated by a provider, approved by the Professional Health Monitoring Program (PHMP) and Pennsylvania Medical Society Physicians' Health Program (PHP) and who practices in the field of Addiction/Mental Health treatment, who opines that Respondent may safely return to practice as a physician assistant and provides such evidence, releases and other

attachments to provide conclusive proof of her ability to practice with reasonable skill and safety to patients.

e. The written Petition shall be filed with the Counsel to the Medical Board, P.O. Box 2649, Harrisburg, PA 17105-2649. In addition to the PHMP evaluation contained in paragraph (d) above, the Petition should include a criminal record check and any other materials the Respondent would like the Board to consider. Examples of such items would include proof of attendance at support groups, an evaluation from any treatment provider, a discharge report/summary from a treatment facility and/or any copies of random drug urine screens.

f. Upon submission of the written Petition, Respondent's license shall be reinstated administratively, without hearing, unless the Commonwealth objects based upon evidence that Respondent has either (1) not continued Respondent's treatment, resulting in a relapse; (2) Respondent has been terminated from a position during the period of suspension for suspected impairment and/or diversion of narcotics, (3) Respondent has failed to abide by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of podiatry profession in this Commonwealth during Respondent's period of suspension. This includes, but is in no way limited to, any criminal disposition or arrest, any violation of Respondent's criminal probation or parole and/or any disciplinary action taken against Respondent by any licensing jurisdiction, or (4) for any other reason demonstrating a clear and immediate danger to the public health and safety.

g. If, after filing said Petition, the Board grants a stay of the suspension, the indefinite **SUSPENSION** will be **STAYED** in favor of no less than three (3) years of **PROBATION**, said probation to be subject to the following terms and conditions:

GENERAL

- 1) Respondent shall fully and completely comply and cooperate with the Bureau of Professional and Occupational Affairs, Professional Health Monitoring Program ("PHMP"), Disciplinary Monitoring Unit ("DMU") and its agents and employees in their monitoring of Respondent's impairment under this Consent Agreement and Order ("Agreement").
- 2) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and any other state or jurisdiction and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice the profession. Summary traffic violations shall not constitute a violation of this Agreement. However, a violation of any conditions of a criminal probation and/or parole is a violation of this Agreement.
- 3) Respondent shall at all times comply and cooperate with the PHMP and its agents and employees in the monitoring,

supervision and investigation of Respondent's compliance with the terms and conditions of this Agreement. Respondent shall cooperate with any requests for written reports, records or verifications of actions that may be required by the PHMP; the requested information and documents shall be obtained and submitted at Respondent's expense.

- 4) Respondent's failure to fully comply and cooperate with the PHMP shall be deemed a violation of this Agreement.
- 5) Upon request of the PHMP case manager, Respondent shall enroll in a peer assistance program, when available, including, but not limited to, Physician's Health Program (PHP), Secundum Artem Reaching Pharmacists with Help (SARPH), and Pennsylvania Nurse Peer Assistance Program (PNAP), and shall fully and completely comply with all of the terms and conditions of Respondent's agreement with the peer assistance program. Respondent's failure to fully and completely comply with Respondent's agreement with the peer assistance program shall constitute a violation of this Agreement.
- 6) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Agreement.
- 7) Respondent may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless

Respondent seeks and receives prior written permission from the PHMP subject to any additional terms and conditions required by the PHMP.

- 8) In the event Respondent relocates to another jurisdiction, within five days (5) days of relocating Respondent shall either enroll in the other jurisdiction's impaired professional program and have the reports required under this Agreement sent to the PHMP, or if the other jurisdiction does not have an impaired professional program, Respondent shall notify the licensing board of the other jurisdiction that Respondent is impaired and enrolled in this Program. In the event Respondent fails to do so, in addition to being in violation of this Agreement, the periods of suspension and probation shall be tolled. It is a violation of this Agreement if the Respondent violates and/or fails to fully and completely comply with the impaired professional program in another jurisdiction.
- 9) Respondent shall notify the PHMP by telephone within 48 hours and in writing within five (5) days of the filing of any criminal charges against Respondent; the final disposition of any criminal charges against Respondent; the initiation of any legal action pertaining to Respondent's privileges to practice the profession; the initiation of charges, action, restriction or limitation related to Respondent's privileges to practice the profession by a

professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice; or any investigation, action, restriction or limitation related to Respondent's privileges to practice the profession at any health care facility.

10) Respondent shall notify the PHMP by telephone within 48 hours and in writing within five (5) days of any change of Respondent's home address, phone number, employment status, employer and/or change in practice at a health care facility. Failure to timely advise the PHMP under this subsection due to the PHMP office being closed is not an excuse for not leaving a voice mail message with this information.

11) Respondent shall cease or limit the practice of as a physician assistant if the PHMP case manager directs that Respondent do so.

#### EVALUATION - TREATMENT

12) If an assessment/treatment evaluation has not been done by a provider approved by PHMP ("approved provider") within thirty (30) days prior to the effective date of this Agreement, or within thirty (30) days subsequent to the effective date of this Agreement, Respondent shall have forwarded to the PHMP-DMU, P.O. Box 10369, Harrisburg, PA 17105-0569, (717) 783-4857 or (800) 554-3428, a written evaluation by an approved

provider assessing Respondent's fitness to actively practice the profession. If the approved provider determines that Respondent is not fit to practice, Respondent shall immediately cease practicing the profession and not practice until an approved provider and the PHMP case manager determine that Respondent is fit to resume practice with reasonable skill and safety to patients.

- 13) The evaluation described in the previous paragraph is in addition to any other evaluation already provided.
- 14) Respondent shall provide copies of any prior evaluations and counseling records and a copy of this Agreement to the approved provider.
- 15) Respondent shall authorize, in writing, the PHMP to have a copy of the written evaluation and reports prepared by the approved provider.
- 16) If an approved provider recommends that Respondent obtain treatment, Respondent must fully comply with those recommendations as part of these probationary requirements.
- 17) Respondent shall arrange and ensure that written treatment reports from all approved providers are submitted to the PHMP upon request or at least every ninety (90) days after the effective date of this Agreement. The reports shall contain at least the following information:



- i. Verification that the provider has received a copy of this Agreement and understands the conditions of this probation;
- ii. A treatment plan, if developed;
- iii. Progress reports, including information regarding compliance with the treatment plan;
- iv. Physical evaluations, if applicable;
- v. The results of any testing including any testing for therapeutic levels of prescribed medications when deemed appropriate by the provider;
- vi. Modifications in treatment plan, if applicable;
- vii. Administration or prescription of any drugs to Respondent; and
- viii. Discharge summary and continuing care plan at discharge.
- ix. Any change in the provider's assessment of the Licensee's fitness to actively practice the profession.

18) Respondent shall identify a primary care physician who shall send written notification to the Respondent's PHMP case manager certifying Respondent's health status as requested.

#### SUPPORT GROUP ATTENDANCE

- 19) Respondent shall attend and actively participate in any support group programs recommended by the approved provider or the PHMP case manager at the frequency recommended by the approved provider, but no less than twice a week.
- 20) Respondent shall provide written verification of all support group attendance to the PHMP on at least a monthly basis or as otherwise directed by the PHMP.

#### ABSTENTION

- 21) Respondent shall completely abstain from the use of controlled substances, caution legend (prescription) drugs, mood altering drugs or drugs of abuse including alcohol in any form, except under the following conditions:
  - i. Respondent is a bona fide patient of a licensed health care practitioner who is aware of Respondent's impairment and participation in the PHMP;
  - ii. Such medications are lawfully prescribed by Respondent's treating practitioner and approved by the PHMP case manager; and
  - iii. Upon receiving the medication, Respondent must provide to the PHMP

within 48 hours by telephone and within 5 days in writing: the name of the medication; the name of the practitioner prescribing the drug, the illness or medical condition diagnosed; the type, strength, amount and dosage of the medication; and a signed statement consenting to the release of medical information from the prescribing practitioner to the PHMP or its designated representative for the purpose of verification.

- iv. Upon refilling a medication, Respondent must provide to the PHMP within 48 hours by telephone and within 5 days in writing: the name of the medication; the name of the practitioner prescribing the drug, the illness or medical condition diagnosed; the type, strength, amount and dosage of the medication; and a signed statement consenting to the release of medical information from the prescribing practitioner to the PHMP or its

designated representative for the purpose  
of verification.

DRUG TESTING

- 22) Respondent shall submit to random unannounced and observed drug and alcohol tests, inclusive of bodily fluid, breath analysis, hair analysis or another procedure as may be directed by the PHMP for the detection of substances prohibited under this Agreement as directed by the PHMP. A positive, adulterated or substituted result on a drug test shall constitute an irrefutable violation of this Agreement unless Respondent has complied with the provisions of this Agreement pertaining to the use of drugs. Failure to provide a specimen or a specimen of sufficient quantity for testing when requested will be considered a violation of this Agreement.
- 23) Respondent shall avoid all foods that contain poppy seeds. Ingestion of poppy seeds will not be accepted as a valid explanation for a positive screen.
- 24) In addition to abstaining from the use of alcohol in beverages, medication and food, Respondent shall avoid all substances containing alcohol including alcohol in chemical solutions, cleaning solutions, gasoline, hand sanitizers, or other skin preparations. Incidental use of alcohol will not be accepted as a valid explanation for a positive drug test unless Respondent has

complied with the provisions of this Agreement pertaining to the use of drugs as set forth in the Abstinence Section above.

#### MONITORED PRACTICE

- 25) "Practice" includes employment in any position requiring a current certificate to practice respiratory care or attendance at any educational program/course that includes a clinical practice component with patients and/or requires a current certificate to practice as a physician assistant.
- 26) Respondent shall not practice unless a treatment provider approved by PHMP recommends that practice in writing and the PHMP case manager gives written permission to practice.
- 27) When permitted to return to practice, Respondent shall not do any of the following unless Respondent first obtains specific written approval from the PHMP case manager to do so:
- (a) Practice in any capacity that involves the administration of controlled substances;
  - (b) Function as a supervisor;
  - (c) Practice in a private practice setting or without direct supervision;
  - (d) Work in an emergency room, operating room, intensive care unit, cardiac catheterization laboratory, or coronary care unit.

- 28) Respondent may not work in any practice setting, including attendance at any educational program/course that includes a clinical practice component with patients and/or requires a current certificate to practice respiratory care, without direct supervision.
- 29) Direct supervision is the physical presence of the supervisor on the premises so that the supervisor is immediately available to the licensee being supervised when needed.
- 30) If Respondent is practicing or attending any educational program/course that includes a clinical practice component with patients and/or requires a current certificate to practice as a respiratory care practitioner, Respondent shall give any employer, supervisor, preceptor, or instructor (hereinafter referred to collectively as "supervisor") a copy of this Agreement within five (5) days of the effective date of this Agreement.
- 31) Respondent shall give a copy of this Agreement to any prospective employer and supervisor when applying for employment in the practice of the profession and to any prospective school/program when applying for any educational program/course that includes a clinical practice component with patients and/or requires a current certificate to practice as a certified respiratory care practitioner.

32) Respondent shall provide the PHMP by telephone within 48 hours, and in writing within five (5) days of the effective date of this Agreement or obtaining employment or beginning any educational program/course that includes a clinical practice component with patients and/or requires a certificate to practice as a physician assistant of the following:

- i. Name(s) and address(es) of supervisor(s) who will be responsible for evaluating Respondent's practice if required by PHMP;
- ii. The name(s) and address(es) of the place(s) at which Respondent will practice the profession and a description of Respondent's duties and responsibilities at such places of practice; and
- iii. Any restrictions on Respondent's practice.

33) Respondent shall ensure that Respondent's supervisor submits to the PHMP the following information in writing:

- i. Verification, at the time Respondent obtains or changes a supervisor, that the employer and supervisor have received a copy of this Agreement and understand the conditions of this probation;
- ii. An evaluation of Respondent's work performance on a 90-day or more

frequent basis as requested by the PHMP;

and

- iii. Immediate notification of any suspected violation of this probation by Respondent.

#### REPORTING/RELEASES

- 34) Respondent, Respondent's approved treatment providers, supervisor(s), employers or other persons required to submit reports under this Agreement shall cause such reports, data or other information to be filed with the PHMP, unless otherwise directed, at:

PHMP-DMU  
Box 10569  
Harrisburg, PA 17105-0569

- 35) Respondent consents to the release by the PHMP of any information or data produced as a result of this probation, including written treatment provider evaluations, to any treatment provider, supervisor, Commonwealth's attorney, hearing examiner or Board members in the administration and enforcement of this Agreement.

- 36) Respondent shall sign any required waivers or release forms requested by the PHMP for any and all records, including medical or other health-related and psychological records, pertaining to treatment and monitoring rendered to Respondent



during this probation and any corresponding criminal probation, as well as any employment, personnel, peer review or review records pertaining to Respondent's practice of the profession during this probation, to be released to the PHMP, the Commonwealth's attorney, hearing examiner or Board members in the administration and enforcement of this Agreement.

#### COSTS

37) Respondent shall be responsible for all costs incurred in complying with the terms of this Agreement, including but not limited to psychiatric or psychotherapy treatments, and reproduction of treatment or other records. Respondent shall pay the costs for any drug testing and any subsequent reanalysis of specimens required by PHMP. Failure of Respondent to pay any of these costs in a timely manner shall constitute a violation of this Agreement.

#### BUREAU/PHMP EVALUATIONS

38) Upon request of the PHMP, the Respondent shall submit to mental or physical evaluations, examinations or interviews by a treatment provider approved by PHMP or the PHMP. Respondent's failure to submit to such an examination, evaluation or interview shall constitute a violation of this Agreement.

#### **VIOLATION OF THIS AGREEMENT**

e. Notification of a violation of the terms or conditions of probation contained in this Agreement shall result in the **IMMEDIATE VACATING** of the stay order, the **IMMEDIATE TERMINATION** of the period of probation, and **ACTIVATION** of the **SUSPENSION** in paragraph 5(b) above of Respondent's license to practice the profession in the Commonwealth of Pennsylvania as follows:

- (1) The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee (Committee) a Petition that indicates that Respondent has violated any terms or conditions of this Agreement.
- (2) Upon a probable cause determination by the Committee that Respondent has violated any of the terms or conditions of this Agreement, the Committee shall, without holding a formal hearing, issue a preliminary order vacating the stay of the within suspension, terminating this probation and activating the suspension of Respondent's license.
- (3) Respondent shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first class mail, postage prepaid, sent to the Respondent's last registered address on file with the Board, or by personal service if necessary.
- (4) Within twenty (20) days of mailing of the preliminary order, Respondent may submit a written answer to the

Commonwealth's Petition and request that a formal hearing be held concerning Respondent's violation of probation, in which Respondent may seek relief from the preliminary order activating the suspension. The answer shall be set forth in numbered paragraphs corresponding to the numbered paragraphs of the Petition. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition. Respondent shall mail the original answer and request for hearing to the Department of State, Bureau of Professional and Occupational Affairs, Office of Prothonotary, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649, and a copy to the prosecuting attorney for the Commonwealth, as well as all subsequent filings in the matter.

- (5) If Respondent submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Respondent's answer and request for a formal hearing.
- (6) Respondent's submission of a timely answer and request for a hearing shall not stay the suspension of Respondent's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner

issues an order after the formal hearing staying the suspension again and reactivating the probation.

(7) The facts and averments in this Agreement shall be deemed admitted and uncontested at this hearing.

(8) If the Board or hearing examiner after the formal hearing makes a determination against Respondent, a final order will be issued sustaining the suspension of Respondent's license and imposing any additional disciplinary measures deemed appropriate.

(9) If Respondent fails to timely file an answer and request for a hearing, the Board shall issue a final order affirming the suspension of Respondent's license.

(10) If Respondent does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or the hearing examiner makes a determination against Respondent sustaining the suspension of Respondent's license, after at least three (3) years of active suspension and any additional imposed discipline, Respondent may petition the Board for reinstatement based upon an affirmative showing that Respondent has at least thirty-six (36) months of sustained documented recovery, Respondent has undergone an evaluation by a treatment provider approved by PHMP and is

fit to safely practice the profession, and Respondent has abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.

(11) If the Board issues a Preliminary Order terminating the stay of the suspension and actively suspending Respondent's license to practice the profession in accordance with the procedure set forth above, Respondent shall immediately cease the practice of the profession. Respondent shall continue to comply with all of the terms and conditions of probation in this Consent Agreement and Order during the active suspension until the Board issues a Final Order. Continued failure by Respondent to comply with the unaffected terms and conditions of probation while awaiting the issuance of a Final Order by the Board may result in further disciplinary action against Respondent.

f. Respondent's failure to fully comply with any terms of this Agreement may also constitute grounds for additional disciplinary action.

g. Nothing in this Agreement shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary action or corrective measures for violations or facts not contained in this Agreement.

#### COMPLETION OF PROBATION

- b. After successful completion of the minimum period of probation, Respondent may petition the Board, upon a form provided by PHMP, to dismiss this matter and to reinstate Respondent's license to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions of this Agreement and that Respondent's resumption of unsupervised practice does not present a threat to the public health and safety. Respondent shall be required to remain in compliance with all terms and conditions of this Agreement until the Board issues the order terminating Respondent's probationary status.

#### REINSTATEMENT FOLLOWING PERIOD OF INDEFINITE SUSPENSION

- i. In the event that Respondent fails to petition for reinstatement during the period of indefinite suspension, Respondent's license will not be reinstated or renewed until Respondent provides the Board with an evaluation indicating she has recently been evaluated by a provider, approved by the Professional Health Monitoring Program (PHMP) and Pennsylvania Medical Society Physicians' Health Program (PHP) and who practices in the field of Addiction/Mental Health treatment, who opines that Respondent may safely return to practice as a physician assistant and provides such evidence, releases and other attachments to provide conclusive proof of her ability to practice with reasonable skill and safety to patients.
9. Respondent's failure to fully comply with any terms of this Agreement may also constitute grounds for additional disciplinary action.

10. Nothing in this Agreement shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary action or corrective measures for violations not contained in this Agreement.

11. This Agreement shall take effect immediately upon its approval and adoption by the Board.

12. Respondent acknowledges waives service of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

13. Respondent agrees, as a condition of entering into this Agreement, not to seek modification of it at a later date without first obtaining the express written concurrence of the Prosecution Division of the Department of State.

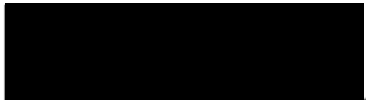
14. This Agreement is between the prosecuting attorney and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board approves and adopts the Agreement.

15. Should the Board not approve this Agreement, presentation to and consideration of it by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Agreement.

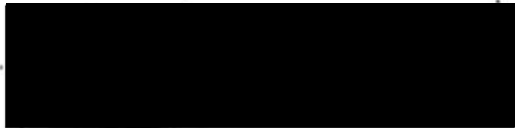


16. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this Agreement.

17. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



David K. Grubb  
 Prosecuting Attorney  
 Department of State  
 Office of Chief Counsel



Karen Andrews, P.A.  
 Respondent

DATED: 12/12/12

DATED: 12/12/12



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

vs.

Karen Andrews, P.A.,  
Respondent

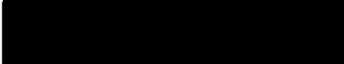
Docket No. 49-13  
File No. 10-49-06156

ORDER

AND NOW, this 6<sup>th</sup> day of February, 2013, the State Board of Medicine approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

  
Katie True  
Commissioner


For the Commonwealth:

Respondent:

Date of mailing:

BY ORDER:

STATE BOARD OF MEDICINE

  
James W. Freeman, M.D.  
Chairman

David K. Grubb, Esquire  
2601 North Third Street  
P. O. Box 2649  
Harrisburg, PA 17105-2649

Karen Andrews  


2/8/13

## APPENDIX 3

## TERMS OF PROBATION

- 1 Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Albany, New York 12204; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The Respondent must comply with the terms and conditions of the Pennsylvania Consent Order and any extensions and/or modifications thereof and shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of the Respondent's compliance with the terms of the Pennsylvania Order and shall personally meet with a person designated by OPMC when so requested. The Respondent shall authorize the Director of the Pennsylvania

State Board of Medicine, Inc., to provide OPMC with any and all documentation that OPMC requests regarding the Respondent's compliance with said probation Agreement. The terms of the Pennsylvania Agreement and Order are attached hereto as Appendix 2 and are incorporated into this Order.

5. Should the Respondent decide to return to New York State to practice as a Physician's Assistant, the Respondent shall provide 90 days advance written notice to the New York State Department of Health, addressed to the Director OPMC, Riverview Center, 150 Broadway, Albany, NY 12204, of her intention to return; said notice must include the Respondent's current mailing address and telephone number(s) and letters from the Pennsylvania Medical Board reporting the status of the Respondent's compliance with their Order. In the event of such an application, at the request of OPMC, the Respondent may be required to appear in person at the offices of OPMC, to meet with a person or persons designated by the Director of OPMC in order for the Respondent to discuss her practice plan and plan for continued recovery from alcohol and/or substance abuse. The Director of OPMC may, at his or her discretion, determine what terms, conditions and/or limitations to impose upon the Respondent's proposed practice in New York State. The Respondent will be required to comply with all terms, conditions and limitations imposed by the Director of OPMC and be subject to New York probation for a minimum of one year. The period may be extended at the discretion of the Director of OPMC. During the pendency of this probation, the Respondent will be monitored by a sobriety monitor with terms and conditions as specified by the Director of OPMC.

6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and her supervisors at practice locations or OPMC offices.

7. The Respondent shall give written authorization for the Pennsylvania Board of Medicine to provide information concerning the Respondent and her probation to OPMC.

8. In January and July of each year for the remainder of her probation in Pennsylvania, the Respondent shall provide OPMC with a signed declaration of compliance with the terms of the Pennsylvania probation.

9. Upon receipt of evidence of noncompliance with the terms of probation, OPMC or the State Board for Professional Medical Conduct may initiate a violation of probation proceeding and/or any other proceeding against the Respondent as may be authorized by law.

10. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).