

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
JEANINE SANTIAGO, M.D.

STATEMENT
OF
CHARGES

JEANINE SANTIAGO, M.D., Respondent, was authorized to practice medicine in New York State on December 15, 1989, by the issuance of license number 181053 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 16, 2015 in the County Court, County of Dutchess, State of New York, Respondent was found guilty, based on a jury verdict of guilty, of three (3) counts of Unauthorized Practice a Crime – Medicine, a class E felony, in violation of New York State Education Law §6512(1). At various times between 2008 and 2013, Respondent being a licensed physician, furnished to Registered Nurse W.P., a person not licensed to practice medicine, with pre-signed blank prescriptions printed in Respondent's name, which Registered Nurse W.P. completed to prescribe medications, of her selection, to three (3) patients, persons Respondent did not examine and treat at that time.

B. On or about November 16, 2015 in the County Court, County of Dutchess, State of New York, Respondent was found guilty, based on a jury verdict of guilty, of one (1) count of Offering a False Instrument for Filing in the First Degree, a class E felony, in violation of New York State Penal Law §175.35(1). Respondent being a licensed physician enrolled as a provider in the New York State Medical Assistance Program, commonly known as Medicaid, was found to have knowingly submitted and caused to be submitted a claim for payment, to a fiscal agent for the State of New York, which falsely stated that Respondent had provided a home visit for the evaluation and management of an established patient, who was a Medicaid recipient.

C. Respondent provided medical care to Patient A (patients are identified in Appendix A), an 86 year old female, at Patient A's residence, and/or at Respondent's residence/office at 124 Smithtown Road, Fishkill, New York, at various times from on or about January 31, 2007, to, at least, on or about August 28, 2014. Respondent treated Patient A for anxiety, depression, hip and back pain, among other conditions. Respondent's medical care of Patient A deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient A.
2. Respondent failed to obtain and/or document an adequate physical exam of Patient A.
3. Respondent failed to refer Patient A to a psychiatrist or an appropriate subspecialty provider despite medical indications and/or failed to document any such referrals.
4. Respondent inappropriately prescribed opioids and benzodiazepines (valium) to Patient A on one or more occasions including on or about January 9, 2007; January 31, 2007; March 7, 2007; March 21, 2007; March 28, 2007; October 3, 2007; October 10, 2007; December 5, 2007; January 16, 2008; January 30, 2008; March 7, 2008; May 28, 2008; June 25, 2008; April 8, 2009; January 4, 2010; February 15, 2011; May 22, 2011; June 16, 2011; September 27, 2011; October 18, 2011; February 21, 2012; March 13, 2012; April 10, 2012; April 24, 2012; May 22, 2012; August 6, 2012; August 13, 2012; August 20, 2012; September 4, 2012; August 24, 2014; and/or August 28, 2014.
5. Respondent failed to adequately test Patient A for abuse of the drugs prescribed and/or failed to order such tests.
6. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to

deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.

7. Respondent failed to adequately monitor Patient A's progress and/or document an assessment/treatment plan including diagnostic tests for Patient A.
8. Respondent, on various dates between January 31, 2007, and 2013, sent Nurse W.P. to treat Patient A, at Patient A's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies.
9. Respondent, on various dates between January 31, 2007, and August 28, 2014, treated Patient A at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

D. Respondent provided medical care to Patient B, a 62 year old male, at Patient B's residence and/or at Respondent's residence/office, at various times from on or about February 8, 2007, to, at least, on or about December 8, 2014. Respondent treated Patient B for chronic pain, among other conditions. Respondent's medical care of Patient B deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient B.
2. Respondent failed to obtain and/or document an adequate physical examination for Patient B.
3. Respondent failed to refer Patient B to an appropriate subspecialty provider(s) for monitoring of Patient B's traumatic brain injury, among other conditions and/or failed to document any such referrals.

4. Respondent inappropriately prescribed opioids (morphine, percocet and fentanyl), to Patient B on one or more occasions including on or about February 8, 2007; November 21, 2007; March 20, 2008; February 7, 2009; April 23, 2009; July 2, 2009; January 20, 2010; May 4, 2010; July 19, 2010; August 6, 2010; August 24, 2010; October 29, 2010; December 30, 2010; February 9, 2011; March 21, 2011; April 27, 2011; June 1, 2011; July 8, 2011; July 20, 2011; August 10, 2011; September 22, 2011; November 1, 2011; December 6, 2011; January 6, 2012; February 10, 2012; April 9, 2012; May 8, 2012; June 25, 2012; July 27, 2012; August 28, 2012; September 28, 2012; November 16, 2012; January 11, 2013; February 19, 2013; April 29, 2013; and/or November 11, 2013.
5. Respondent failed to adequately monitor Patient B's renal function and/or document that Respondent monitored it properly.
6. Respondent failed to adequately test Patient B for abuse of the drugs prescribed and/or failed to order such tests.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.
8. Respondent failed to appropriately monitor Patient B's progress and/or document an assessment/treatment plan including diagnostic tests for Patient B.
9. Respondent engaged in an inappropriate relationship and/or contact with Patient B by having Patient B purchase alcohol for her when she was prohibited from purchasing alcohol and/or possessing alcohol; and on or about December 8, 2014, Respondent grabbed Patient B by the neck and scratched him.

10. Respondent, on various dates between February 8, 2007 and 2013, sent Registered Nurse W.P. to treat Patient B, at Patient B's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies
11. Respondent, on various dates between February 8, 2007 and December 8, 2015, treated Patient B at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

E. Respondent provided medical care to Patient C, a 56 year old male, at Patient C's residence, at various times from on or about July 30, 2010, to, at least on or about October 7, 2013. Respondent treated Patient C for knee and hip pain, among other conditions. Respondent's medical care of Patient C deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient C.
2. Respondent failed to obtain and/or document an adequate physical examination for Patient C.
3. Respondent failed to refer Patient C to an orthopedic surgeon and/or bariatric subspecialty provider despite medical indications and/or failed to document such referrals.
4. Respondent inappropriately prescribed opioids (oxycodone) to Patient C on one or more occasions including on or about July 30, 2010; January 21, 2011; May 2, 2011; May 9, 2011; July 12, 2011; September 21, 2011; January 10, 2012; January 18, 2012; March 30, 2012; May 19, 2012; June 26, 2012; July 27, 2012; August 20, 2012; September 28, 2012; November 1, 2012; November 30, 2012; February 4, 2013; March 5,

2013; April 10, 2013; May 15, 2013; June 12, 2013; August 20, 2013; and/or November 25, 2013.

5. Respondent failed to adequately test Patient C for abuse of the drugs prescribed and/or failed to order such tests.
6. Respondent failed to appropriately monitor Patient C's progress and/or document an assessment/treatment plan including diagnostic tests for Patient C.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.
8. Respondent, on various dates between July 30, 2010 and 2013, sent Registered Nurse W.P. to treat Patient C at Patient C's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies

F. Respondent provided medical care to Patient D, a 28 year old male, at Patient D's residence and/or at Respondent's residence/office, at various times from on or about September 22, 2011, to, at least, on or about July 19, 2013. Respondent treated Patient D for anxiety, migraines, bipolar disorder and dental pain, among other conditions. Respondent's medical care of Patient D deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient D.
2. Respondent failed to obtain and/or document an adequate physical examination for Patient D.

3. Respondent failed to refer Patient D for a psychiatric and/or orthopedic evaluation despite medical indications and/or failed to document such referrals.
4. Respondent inappropriately prescribed opioids (Percocet) to Patient D on one or more occasions, including on or about September 22, 2011; November 14, 2011; January 16, 2012; February 13, 2012; February 27, 2012; March 12, 2012; April 30, 2012; May 29, 2012; June 25, 2012; August 27, 2012; October 25, 2012; December 14, 2012; and/or February 27, 2013.
5. Respondent failed to adequately test Patient D for abuse of the drugs prescribed and/or failed to order such tests.
6. Respondent failed to appropriately monitor Patient D's progress and/or document an assessment/treatment plan including diagnostic tests for Patient D.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.
8. Respondent, on various dates between September 22, 2011 and 2013, sent Registered Nurse W.P. to treat Patient D at his residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies

9. Respondent, on various dates between September 22, 2011 and July 19, 2013, treated Patient D at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

G. Respondent provided medical care to Patient E, a 50 year old female, at Patient E's residence and/or at Respondent's residence/office, at various times from on or about May 2, 2011, to, at least, on or about November 4, 2013. Respondent treated Patient E for anxiety, leg pain, GERD, and hypertension, among other conditions. Respondent's medical care of Patient E deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient E.
2. Respondent failed to obtain and/or document an adequate physical exam of Patient E.
3. Respondent failed to refer Patient E to a psychiatrist and/or other appropriate subspecialty provider despite medical indications and/or failed to document such referrals.
4. Respondent inappropriately prescribed opioids (Percocet, oxycontin, oxycodone) and/or benzodiazepines to Patient E on one or more occasions including on or about May 31, 2011; June 27, 2011; July 23, 2011; August 22, 2011; September 19, 2011; October 17, 2011; November 12, 2011; January 23, 2012; February 20, 2012; March 12, 2012; April 9, 2012; May 7, 2012; May 29, 2012; June 25, 2012; July 16, 2012; August 13, 2012; September 10, 2012; September 30, 2012; October 25, 2012; November 17, 2012; December 14, 2012; January 8, 2013; January 29, 2013; and/or February 27, 2013
5. Respondent failed to adequately test Patient E for abuse of the drugs prescribed and/or failed to order such tests.

6. Respondent failed to monitor Patient E's progress and/or document an assessment/treatment plan including diagnostic tests for Patient E.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.
8. Respondent, on various dates between May 2, 2011, to on or about 2013 sent Registered Nurse W.P. to treat Patient E at Patient E's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies
9. Respondent, on various dates between May 2, 2011, 2011 and November 4, 2013, treated Patient E at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

H. Respondent provided medical care to Patient F, a 30 year old male, at Patient F's residence and/or Respondent's residence/office at various times from on or about August 14, 2013, to, at least, on or about March 2, 2015. Respondent treated Patient F for generalized pain. Patient E had been treated previously by other providers for a brachial DVT, inflammatory bowel disease and a lumbosacral radiculopathy/radiculitis, among other conditions.

Respondent's medical care of Patient F deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient F.

2. Respondent failed to obtain and/or document an adequate physical exam of Patient F.
3. Respondent inappropriately prescribed opioids (oxycodone) to Patient F on one or more occasions, including on or about November 25, 2013.
4. Respondent failed to refer Patient F to an appropriate subspecialty provider for treatment of pain and/or a mental health provider to address Patient F's memory loss and depressive symptoms and/or failed to document such referrals.
5. Respondent failed to adequately test Patient F for abuse of the drugs prescribed and/or failed to order such tests.
6. Respondent failed to appropriately monitor Patient F's progress and/or document an assessment/treatment plan including diagnostic tests for Patient F.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.
8. Respondent, on various dates in 2013, sent Registered Nurse W.P. to treat Patient F at Patient F's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies
9. Respondent, on various dates between August 14, 2013, and March 2, 2015, treated Patient F at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or

several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

I. Respondent provided medical care to Patient G, a 53 year old female, at Patient G's residence and/or at Respondent's residence/office at various times in 2008 and from on or about March, 2011, to, at least, on or about June 18, 2014. Respondent treated Patient G for asthma and pain, among other conditions. Respondent's medical care of Patient G deviated from accepted standards of care as follows:

1. Respondent failed to obtain and/or document an adequate medical history for Patient G.
2. Respondent failed to obtain and/or document an adequate physical exam of Patient G.
3. Respondent inappropriately prescribed Patient G opioids (oxycodone) and/or benzodiazepines (Xanax) to Patient G on one or more occasions including on or about November 23, 2011; January 10, 2012; February 19, 2013; March 19, 2013; and/or April 24, 2013;
4. Respondent inappropriately prescribed analgesics and/or benzodiazepines to Patient G after May 2014 on one or more occasions.
5. Respondent failed to adequately test Patient G for abuse of the drugs prescribed and/or failed to order such tests.
6. Respondent failed to appropriately monitor Patient G's progress and/or document an assessment/treatment plan including diagnostic tests for Patient G.
7. Respondent inappropriately provided pre-signed blank prescriptions printed in Respondent's name to Registered Nurse W.P., which Registered Nurse W.P. completed to prescribe medications to Patient A knowing that she had not provided the medication to prescribed and that it was to be completed by Registered Nurse W.P. with the intent to

deceive or mislead pharmacies, the Bureau of Narcotics Enforcement, and/or Department of Health.

8. Respondent, on various dates between 2008 and 2013, sent Registered Nurse W.P. to treat Patient G at Patient G's residence and billed for services as if Respondent had provided the services as a physician at a higher rate. Respondent knowingly reported that she provided services with the intent to deceive or mislead the insurance companies

9. Respondent, on various dates between 2008 and June 18, 2014, treated Patient G at Respondent's residence/office located at 124 Smithtown Road, Fishkill, New York, where there was dirt, garbage, animal feces, and medical waste about the house and/or several cats roamed the house. Patient files were left unsecured and/or were covered and stained by dirt and/or animal waste.

SPECIFICATIONS

FIRST THROUGH SECOND SPECIFICATIONS

CONVICTED OF A CRIME

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.
2. The facts in Paragraph B.

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent violated New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

3. The facts in Paragraphs C and C1, C and C2, C and C3, C and C4, C and C5, C and C6, C and C7, C and C8, C and C9, D and D1, D and D2, D and D3, D and D4, D and D5, D and D6, D and D7, D and D8, D and D9, D and D10, D and D11, E and E1, E and E2, E and E3, E and E4, E and E5, E and E6, E and E7, E and E8, F and F1, F and F2, F and F3, F and F4, F and F5, F and F6, F and F7, F and F8, F and F9, G and G1, G and G2, G and G3, G and G4, G and G5, G and G6, G and G7, G and G8, G and G9, H and H1, H and H2, H and H3, H and H4, H and H5, H and H6, H and H7, H and H8, H and H9, I and I1, I and I2, I and I3, I and I4, I and I5, I and I6, I and I7, I and I8, and/or I and I9.

FOURTH SPECIFICATION

GROSS NEGLIGENCE

Respondent violated New York Education Law §6530(4) by practicing the profession with gross negligence on a particular occasion, in that Petitioner charges:

4. The facts in Paragraphs C and C4, C and C6, D and D7, E and E7, F and F7, G and G7, H and H7, and/or I and I7.

FIFTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent violated New York Education Law §6530(5) by practicing the profession with incompetence on more than one occasion, in that Petitioner charges:

5. The facts in Paragraphs C and C1, C and C2, C and C3, C and C4, C and C5, C and C6, C and C7, C and C8, C and C9, D and D1, D and D2, D and D3, D and D4, D and D5, D and D6, D and D7, D and D8, D and D9, D and D10, D and D11, E and E1, E and E2, E and E3, E and E4, E and E5, E and E6, E and E7, E and E8, F and F1, F and F2, F and F3, F and F4, F and F5, F and F6, F and F7, F and F8, F and F9, G and G1, G and G2, G and G3, G and G4, G and G5, G and G6, G and G7, G and G8, G and G9, H and H1, H and H2, H and H3, H and H4, H and H5, H and H6, H and H7, H and H8, H and H9, I and I1, I and I2, I and I3, I and I4, I and I5, I and I6, I and I7, I and I8, and/or I and I9.

SIXTH SPECIFICATION

FRAUDULENT PRACTICE

Respondent violated New York Education Law §6530(1) by practicing the profession fraudulently or beyond its authorized scope, in that Petitioner charges:

6. The facts in Paragraphs C and C6, C and C8, D and D7, D and D10, E and E7, E and E8, F and F7, F and F8, G and G7, G and G8, H and H7, H and H8, I and I7, and/or I and I8.

SEVENTH SPECIFICATION

PERMITTING, AIDING, ABETTING AN UNLICENSED PERSON

Respondent violated New York Education Law §6530(11) by permitting, aiding or abetting an unlicensed person to perform activities requiring a license, in that Petitioner charges:

7. The facts in Paragraphs A, C and C6, C and C8, D and D7, D and D10, E and E7, E and E8, F and F7, F and F8, G and G7, G and G8, H and H7, H and H8, I and I7, and/or I and I8.

EIGHTH SPECIFICATION

DELEGATING PROFESSIONAL RESPONSIBILITIES

Respondent violated New York Education Law §6530(25) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them, in that Petitioner charges:

8. The facts in Paragraphs A, C and C6, C and C8, D and D7, D and D10, E and E7, E and E8, F and F7, F and F8, G and G7, G and G8, H and H7, H and H8, I and I7, and/or I and I8.

NINTH SPECIFICATION

FAILING TO EXERCISE APPROPRIATE SUPERVISION

Respondent violated New York Education Law §6530(33) by failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee, in that Petitioner charges:

9. The facts in Paragraphs A, C and C6, C and C8, D and D7, D and D10, E and E7, E and E8, F and F7, F and F8, G and G7, G and G8, H and H7, H and H8, I and I7, and/or I and I8.

TENTH SPECIFICATION

FAILURE TO COMPLY

Respondent violated New York Education Law §6530(16) by a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations governing the practice of practice of medicine, in that Petitioner charges:

10. The facts in Paragraphs A, C and C6, D and D7, E and E7, F and F7, G and G7, H and H7, and/or I and I7.

ELEVENTH SPECIFICATION
FAILING TO MAINTAIN A RECORD

Respondent violated New York Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

11. The facts in Paragraphs C and C1, C and C2, C and C3, C and C7, D and D1, D and D2, D and D5, D and D8, E and E1, E and E2, E and E3, E and E6, F and F1, F and F2, F and F3, F and F6, G and G1, G and G2, G and G3, G and G6, H and H1, H and H2, H and H4, H and H6, I and I1, I and I2, and/or I and I6.

TWELFTH SPECIFICATION
FAILING TO USE BARRIER PRECAUTIONS

Respondent violated New York Education Law §6530(47) by failing to use scientifically accepted barrier precautions and infection control practices as established by the department of health pursuant to §230-a of the Public Health Law, in that Petitioner charges:

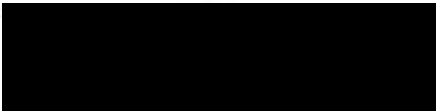
12. The facts in Paragraph C and C9, D and D11, F and F9, G and G9, H and H9, and/or I and I9.

THIRTEENTH SPECIFICATION
HARASSING, ABUSING, INTIMIDATING A PATIENT

Respondent violated New York Education Law §6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, in that Petitioner charges:

13. The facts in Paragraph D9.

DATED: *April 25*, 2016
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct