



**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

November 14, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ian H. Silverman, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237-0032

Sandra Visconte-LaRosa, R.P.A.  


**RE: In the Matter of Sandra Visconte-LaRosa, R.P.A.**

Dear Parties:

Enclosed please find the Determination and Order (No.16-371) 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. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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**

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In the matter of

**Sandra Visconte-LaRosa, R.P.A.**  
NYS license # 003094

**Determination  
and Order**

BPMC #16-371

**COPY**

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A notice of referral proceeding and statement of charges, both dated July 21, 2016, were served on Respondent **Sandra Visconte-LaRosa, R.P.A.** The statement of charges alleged violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, 259 Monroe Avenue, Rochester, New York, on September 15, 2016.

Pursuant to Public Health Law 230(10)(e), **Gail S. Homick Herrling**, Chairperson, **Jagdish M. Trivedi, M.D.**, and **Christopher L. Hamill, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee.<sup>1</sup> **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Ian H. Silverman, Esq.** **Sandra Visconte-LaRosa, R.P.A.** (the Respondent), appeared on her own behalf. Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the hearing committee issues this determination and order.

**JURISDICTION**

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of

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<sup>1</sup> Dr. Hamill was unable to stay for the entire hearing. The transcript was reviewed by him after the hearing.

Health (the Department), and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a registered physician assistant, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(i).

Pursuant to PHL 230(10)(p), a hearing on circumscribed issues, or "direct referral proceeding" is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

#### **EVIDENCE**

Witnesses for the Petitioner:	None
Petitioner exhibits:	1-4
Witnesses for the Respondent:	Sandra Visconte-LaRosa, R.P.A.
Respondent exhibits:	A

A transcript of the hearing was made. (Transcript, pages 1-28.)

#### **FINDINGS OF FACT**

An opportunity to be heard having been afforded the parties and evidence having been considered, it is hereby found:

1. Respondent Sandra Visconte-LaRosa, R.P.A., was authorized to practice as a registered physician assistant in New York State on September 4, 1986 under license number 003094. (Exhibit 3.)

2. On June 17, 2015, in Ontario Town Court, the Respondent was convicted of Aggravated DWI, in violation of New York Penal Law 1192 2-A, a misdemeanor, and was sentenced on August 5, 2015 to a fine of \$1,400 and probation. (Exhibit 4.)

### **HEARING COMMITTEE DETERMINATION**

After reviewing records obtained from the Ontario Town Court (Department Exhibit 4), the hearing committee unanimously determined that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(a)(i) which defines professional misconduct, in pertinent part, as:

9. (a) Being convicted of committing an act constituting a crime under... New York state law.

The conviction in this case arose from the Respondent's conviction for driving while intoxicated. The Petitioner recommended a penalty of censure and reprimand, a \$1,500 fine, and five years of probation with impairment monitoring. (Transcript, page 11.) Circumstances surrounding the conviction led the committee to agree that there is cause for concern about the Respondent's alcohol abuse. This conviction for drunk driving was not her first. (Transcript, pages 7-8, 24-25.) The hearing committee concluded that a censure and reprimand pursuant to PHL 230-a(1), and probation pursuant to PHL 230-a(9), with oversight of Respondent's sobriety, is the appropriate action to protect the public.

The hearing committee's vote sustaining the charge and imposing censure and reprimand and probation with conditions was unanimous (3-0).

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice as a registered physician assistant in New York State is censured and reprimanded.
2. A three year term of probation is imposed, with a sobriety monitor, the terms of which are set forth in the attached appendix.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York

Nov 10, 2016

By:

  
Gail S. Homick Herrling  
Chairperson

Jagdish M. Trivedi, M.D.  
Christopher L. Hamill, M.D.

To: Ian H. Silverman, Esq.  
Bureau of Professional Medical Conduct  
Corning Tower, Empire State Plaza  
Albany, New York 12237-0032

Sandra Visconte-LaRosa, R.P.A.  


**TERMS OF PROBATION**

1. Respondent's conduct shall conform to moral and professional standards of conduct and to governing law. Any act of professional misconduct by Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York Public Health Law § 230 (10) or (19), or both.
2. Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502, including, but not limited to, the requirements that licensee register and continue to be registered with the New York State Education Department and that licensee pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees.
3. Respondent shall practice only when monitored by a qualified health care professional (sobriety monitor) proposed by the Respondent and approved, in writing, by the Director of the Office of Professional Medical Conduct (OPMC.) The monitor shall not be a family member or personal friend, or be in professional relationships which would pose a conflict with monitoring responsibilities.

Respondent shall ensure that the monitor is familiar with Respondent's drug/alcohol history and with the terms of this Order. Respondent shall cause the monitor to report any deviation from compliance with the terms of this order to OPMC. Respondent shall cause the monitor to submit reports on a timely basis.

Respondent shall submit, at the request of the monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.

Respondent shall meet with the sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than four per month for the first 12 months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an

assessment of self-help group attendance (e.g. AA/NA/Caduceus, etc.), 12 step progress, etc.

Respondent shall avoid all substances which may cause positive urines such as herbal tea, poppy seeds, mouthwash, cough medicine. Any positive result will be considered a violation of this Order.

4. Respondent shall provide to the Director, OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, New York, 12204, at least every six months and as otherwise requested, or within thirty days of any change in the information, the following information in writing:
  - a. A full description of the Respondent's employment and practice;
  - b. All professional and residential addresses and telephone numbers within and outside of New York State;
  - c. Any and all information concerning investigations, arrests, charges, convictions or disciplinary actions by any local, state, or federal agency; and
  - d. Any and all information concerning investigations, terminations, or disciplinary matters by any institution or facility.
5. Respondent shall provide to the Director, OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, New York, 12204, copies of all applications relating to practice as a physician assistant, including but not limited to, insurance and licensure, in any jurisdiction, concurrent with their submission.
6. Respondent shall cooperate fully with, and will respond within two weeks to, OPMC requests to provide written periodic verification of Respondent's compliance with these terms of probation. Upon the Director of OPMC's request, Respondent shall meet personally with a person designated by the Director.
7. The probationary period shall begin on the effective date of the Order and Determination and Respondent shall fulfill all probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in the Determination and Order or as are necessary to protect the public health.
8. Respondent shall comply with these Terms of Probation, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with or a violation of these terms, the Director of OPMC and/or the Board for Professional Medical Conduct may initiate a violation of probation proceeding, and/or any other proceeding authorized by law, against the Respondent.



# APPENDIX I

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

IN THE MATTER  
OF  
SANDRA VISCONTE-LAROSA, R.P.A.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Sandra Visconte-LaRosa, R.P.A.  
[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. 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 September 15, 2016 at 10:30 a.m., at the offices of the New York State Department of Health, 259 Monroe Ave, Rochester, NY 14607.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which 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 or sworn testimony on your behalf. Such evidence 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 which 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 HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau

EXHIBIT

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of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten 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. You may also file a written brief and affidavits with the Committee. All such documents 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, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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 N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the 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 or other evidence which cannot be photocopied.

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

Department attorney: Initial here 

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 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.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO PRACTICE  
AS A PHYSICIAN'S ASSISTANT IN NEW YORK STATE BE  
REVOKED OR SUSPENDED, AND/OR THAT YOU BE  
FINED OR SUBJECT TO OTHER SANCTIONS SET OUT  
IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE  
URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.**

DATED: Albany, New York  
July 21, 2016



**MICHAEL A. HISER**  
Deputy Counsel  
Bureau of Professional Medical Conduct

**Inquiries should be addressed to:**

**Ian Silverman  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282**

IN THE MATTER

OF

SANDRA VISCONTE-LAROSA, R.P.A.

STATEMENT  
OF  
CHARGES

SANDRA VISCONTE-LAROSA, R.P.A., the Respondent, was authorized to practice as a registered physician assistant in New York State on or about September 4, 1986 by the issuance of Registration number 003094 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

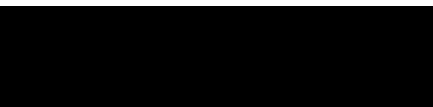
A. On or about June 17, 2015 Respondent was convicted of Aggravated DWI, in violation of New York Penal Law §1192 2-A, a misdemeanor and was sentenced on August 5, 2015 to a fine of \$1,400 and probation in Ontario Town Court

**SPECIFICATION OF CHARGES**  
**CRIMINAL CONVICTION (N.Y.S.)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: July 2 /, 2016  
Albany New York



Michael A. Hiser  
Deputy Counsel  
Bureau of Professional Medical Conduct