



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 12, 1994

Antonio M. Alandy, M.D.
405 Iota Street, Box 37
Eureka, SD 57437

Dear Doctor Alandy:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on August 10, 1994.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Carla S. O'Day
Carla S. O'Day, M.D.
Secretary

CSO:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 668
RETURN RECEIPT REQUESTED

Mailed 8-12-94



STATE MEDICAL BOARD OF OHIO

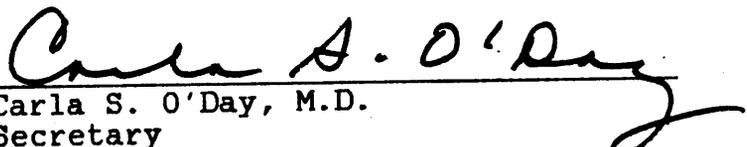
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

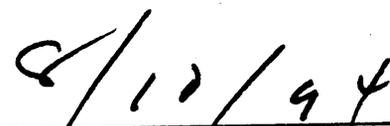
I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on August 10, 1994, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Antonio Mora Alandy, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Carla S. O'Day, M.D.
Secretary



Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ANTONIO MORA ALANDY, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to Antonio Mora Alandy, M.D., by the State Medical Board of Ohio on March 10, 1994.

By letter dated March 9, 1994 notice was given to Antonio Mora Alandy, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via registered mail, return receipt requested, to the last known address of Antonio Mora Alandy, M.D., that being 405 Iota Street, Box 37, Eureka, SD, 57437.

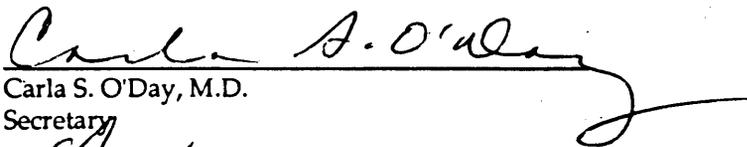
No response has been received from Dr. Alandy, and more than thirty days have now elapsed since the mailing of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that, for the reasons outlined in the March 9, 1994 letter of notice, which is attached hereto and incorporated herein, accordingly, the license of Antonio Mora Alandy, M.D., to practice medicine and surgery in Ohio be REVOKED.

This ORDER shall become effective IMMEDIATELY.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 10th day of August, 1994, and the original thereof shall be kept with said Journal.

(SEAL)


Carla S. O'Day, M.D.

Secretary

8/10/94
Date

AFFIDAVIT

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Antonio Mora Alandy, M.D.;
- 5) That based on such examination, I have found the last known address of record of Antonio Mora Alandy, M.D., to be:

405 Iota Street, Box 37
Eureka, SD 57437

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Lauren Lubow
Notary Public, this 27th day of July, 1994.



Notary Public

LAUREN LUBOW, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 9, 1994

Antonio M. Alandy, M.D.
405 Iota Street Box 37
Eureka, SD 57437

Dear Doctor Alandy:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) In applying for registration of your certificate to practice medicine and surgery for the current registration period, you failed to respond to question (3) which asked "(a)t any time since signing your last application for renewal of your certificate have you (h)ad a license denied by or had any disciplinary action taken or initiated against you by any state licensing board other than the State Medical Board of Ohio?"

In fact, on or about May 14, 1992, the State Board for Professional Medical Conduct of New York issued a Notice of Hearing and Statement of Charges against you. Subsequently, on June 30, 1992, you submitted an Application for Consent Order concerning the May, 1992, charges.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 3/10/94

- (2) On or about July 9, 1992, the State Board for Professional Medical Conduct of New York issued an Order adopting the Application for Consent Order submitted by you in response to the Notice of Hearing and Statement of Charges filed against you in May, 1992, concerning your ordering of excessive tests or treatment not warranted by the condition of ten (10) patients and your failing to maintain accurate records on the same ten (10) patients for which you received a stayed suspension and two years probation and a \$10,000 fine. A copy of the New York Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6), Ohio Revised Code, as in effect prior to March 15, 1993.

- (3) On or about March 23, 1993, Maryland's Board of Physician Quality Assurance issued a Final Order suspending your license. The suspension was stayed and you were placed on probation for two years, required to comply with all the conditions of probation placed upon you by the State of New York and required that you obtain Board approval prior to practicing medicine in the State of Maryland. A copy of the Maryland Order is attached hereto and fully incorporated herein.
- (4) On or about March 24, 1993, you entered into a Stipulation on Agreed Disposition with the South Dakota State Board of Medical and Osteopathic Examiners in which your license was suspended. The suspension was stayed and you were placed on probation for two (2) years and among other conditions required to obtain 50 hours of Category I Continuing Medical Education. A copy of the South Dakota Stipulation is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraphs (3) and (4) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate

March 9, 1994

an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6)(a), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 059
RETURN RECEIPT REQUESTED

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

-----X

IN THE MATTER :
OF :
ANTONIO ALANDY, M.D. :

STATE MEDICAL BOARD
23 DECEMBER 1992
ORDER
BPMC # 92-58

-----X

Upon the application of Antonio Alandy, M.D., Respondent, for Consent Order, which application is made a part hereof, it is

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

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED:

9 July 1992

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

charged thereunder, in full satisfaction of the charges against me.

I hereby agree to the penalty that my license be suspended for two years, such suspension to be stayed, with two years probation, and a fine of \$10,000 payable in equal quarterly installments over the two year probationary period. A copy of the Terms of Probation is annexed hereto, made a part hereof, and marked as Exhibit "B."

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

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Antonio Alandy

ANTONIO ALANDY, M.D.
RESPONDENT

Sworn to before me this
30th day of June, 1973.

Marcia E. Kaplan

NOTARY PUBLIC

MARCIA E. KAPLAN
Notary Public, State of New York
No. 31-4786421
Qualified in New York County
Commission Expires November 30, 1973

STATE OF NEW YORK
50 DEC 29 PM 1973

STATE MEDICAL BOARD
93 DEC 29 11:15 AM '92

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
ANTONIO ALANDY, M.D. :
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 6-30-92

Antonio Alandy
ANTONIO ALANDY, M.D.
RESPONDENT

Date: 6/30/92

Jeffrey M. Ruben
ATTORNEY FOR RESPONDENT
Jeffrey M. Ruben.
Ruben & Shrago
515 Madison Ave, N.Y., N.Y. 10022

Date: June 30, 1992

Marcia E. Kaplan
MARCIA E. KAPLAN
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date:

July 13, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

9 July 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT
93 DEC 29 PM 12:36

EXHIBIT "A"

STATE MEDICAL BOARD
DEC 22 1992

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

-----X
: IN THE MATTER :
: OF : NOTICE
: ANTONIO ALANDY, M.D. : OF
: : HEARING
-----X

TO: ANTONIO ALANDY, M.D.
405 Tenth Street
Eureka, South Dakota 57437
Ninth Street & C Avenue
Eureka, South Dakota 57437

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 30th day of June, 1992 at 10:00 in the forenoon of that day at 5 Penn Plaza, 6th Fl., N.Y., N.Y. 10001 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce

witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

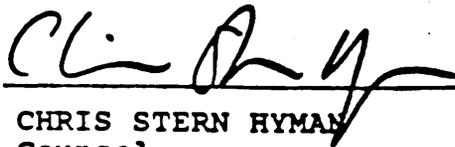
THESE PROCEEDINGS MAY RESULT IN A RECOMMENDATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW Section 230-a (McKinney Supp. 1992). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

93 DEC 29 PM 12:06

STATE MEDICAL BOARD
OFFICE OF THE CLERK

DATED: New York, New York

May 14, 1992



CHRIS STERN HYMAN
Counsel

Inquiries should be directed to: Marcia E. Kaplan
Associate Counsel
5 Penn Plaza 6th Fl.
New York, N.Y. 10001

Telephone No.: 212 613-2615

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

03 DEC 29 PM 1986
STATE PROFESSIONAL BOARD

-----X
IN THE MATTER : STATEMENT
OF : OF
ANTONIO ALANDY, M.D. : CHARGES
-----X

ANTONIO ALANDY, M.D., the Respondent, was authorized to practice medicine in New York State on August 25, 1987 by the issuance of license number 172037 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 310 First Avenue, Apt. 8H, New York, N.Y. 10009.

FACTUAL ALLEGATIONS

A. During the period from in or about August, 1988 through in or about February, 1989, Respondent provided care and treatment to ten patients, Patients A - J. (The identities of Patients A-J are disclosed in the attached Appendix.) Every patient was noted to present with asthma or bronchitis, epigastric pain and backache. In each case, the physical examination was noted as negative. All of the patients received Zantac, Proventil, Pronemia, a non-steroidal anti-inflammatory

agent, a tranquilizer or an antidepressant or both, a prescription for creams and soaps, and condoms. A hepatic, renal and/or pancreatic sonogram was performed on Patients A-I and in each case it was normal.

1. Respondent failed to perform and/or note an adequate medical history for Patients A-J.
2. Respondent failed to perform and/or note appropriate physical examinations of Patients A-J.
3. Respondent failed to perform and/or note appropriate diagnostic work-ups of Patients A-J.
4. Respondent failed to evaluate and/or treat Patients A-E and G-J appropriately for asthma, and/or failed to note such evaluation and treatment.

STATE PRISON
OF CALIFORNIA
93 DEC 29 PM 12:45

5. Respondent prescribed Proventil inappropriately for Patients A-J.
6. Respondent failed to evaluate and/or treat Patients A-J appropriately for epigastric pain, and/or failed to note such evaluation and treatment.
7. Respondent ordered and/or performed abdominal sonography inappropriately for Patients A-I.
8. Respondent prescribed Zantac inappropriately for Patients A-J.
9. Respondent failed to evaluate and/or treat Patients A-J appropriately for backache, and/or failed to note such evaluation and/or treatment.
10. Respondent prescribed a non-steroidal anti-inflammatory agent inappropriately for Patients A-J.

STATE MEDICAL BOARD
OF MISSOURI
DEC 29 1988

11. Respondent prescribed tranquilizers and anti-depressant medications, including Valium and Ativan, inappropriately for Patients A-J.

12. Respondent knowingly ordered, performed and/or prescribed Proventil, abdominal sonography, Zantac, non-steroidal anti-inflammatory agents, tranquilizers and anti-depressant medications, Pronemia, Phisohex, and steroid creams for Patients A-J, not in the good faith practice of medicine.

13. Respondent failed to perform or note medical procedures for which he submitted reimbursement claims for services rendered to Patient A on 11/9/88, Patient E on 9/14/88 and 12/15/88, Patient F on 9/15/88, Patient G on 9/6/88, 9/22/88, 11/1/88, and Patient J on 9/6/88 and 2/9/89.

STATE MEDICAL BOARD
OF OHIO
93 DEC 29 PM 12:56

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, A.12 and/or A.13.

SECOND SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Sec. 6530(3) (McKinney Supp. 1992), in that Petitioner charges Respondent with having committed at least two of the following:

STATE BOARD OF EDUCATION
DEC 29 PM 12:36

2. The facts in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.11, and/or A.12.

THIRD SPECIFICATION

ORDERING OF EXCESSIVE TESTS OR TREATMENT
NOT WARRANTED BY THE CONDITION OF THE PATIENT

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(35) (McKinney Supp.1992), in that he ordered excessive tests or treatment not warranted by the condition of patients A-J, in that Petitioner charges:

3. The facts in paragraph A, A.5, A.7, A.8, A.10, and/or A.11.

FOURTH SPECIFICATION

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with unprofessional conduct under

STATE MEDICAL BOARD
93 DEC 29 PM 12:36

N.Y. Educ. Law Section 6530(32) (McKinney Supp.1992), in that he failed to maintain a record for each of Patients A-J which accurately reflects his evaluation and treatment of these patients, in that Petitioner charges:

4. The facts in paragraph A, A.1, A.2, A.3, A.4, A.6, A.9, and/or A.13.

DATED: New York, New York
May 14, 1992

STATE MEDICAL BOARD
OF NEW YORK
93 DEC 29 PM 12:36



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

STATE MEDICAL BOARD
93 DEC 29 PM 12 36

1. Antonio Alandy, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

STATE MEDICAL BOARD
OF PHILADELPHIA

93 DEC 29 11:12:36

IN THE MATTER OF * BEFORE THE
 *
 ANTONIO M. ALANDY, M.D. * STATE BOARD OF PHYSICIAN
 *
 RESPONDENT * QUALITY ASSURANCE
 *
 License Number: D28522 * Case Number: 93-0539
 *
 *

FINAL ORDER

BACKGROUND

Based on information received by the Board of Physician Quality Assurance of the State of Maryland (the "Board") charged ANTONIO M. ALANDY, M.D., D.O.B. 02/10/47, LICENSE NUMBER D28522, CASE NUMBER 93-0539, ("Respondent") under the Maryland Medical Practice Act (the "Act"), MD HEALTH OCC. CODE ANN. ("H.O.") §14-404(a) (1992 Cum. Supp.).

The pertinent provision of the Act under H.O. §14-404(a) provides the following:

(a) Subject to the hearing provisions of Section 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section;

Grounds actionable under H.O. §14-404(a) (21) include the following:

STATE BOARD OF PHYSICIAN
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(3) Is guilty of immoral or unprofessional conduct in the practice of medicine;

(4) Is professionally, physically, or mentally incompetent;

(12) Willfully fails to file or record any medical report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; and

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes.

The Board notified Respondent that if Respondent did not request a hearing, the Board would issue this Final Order.

Based on clear and convincing evidence, the Board, on the affirmative vote of a majority of its full authorized membership considering this case, issues this Final Order.

FINDINGS OF FACT

A. The Board finds as follows:

1. At all times relevant to these charges the Respondent was and is licensed to practice medicine in the State of Maryland.

2. The Respondent was notified by the Board of charges filed against him and that the Board could sanction Respondent as a result of these charges.

3. The Respondent was informed that this Final Order would be executed thirty (30) days from the Respondent's receipt of the Board's notification, unless Respondent requested a hearing.

4. Respondent received the Board's Charges and Notice of Intent to Sanction Under the Maryland Practice Act on February 12, 1993.

5. Respondent had to request a hearing by March 12, 1993 in order for the Board not to execute this Final Order.

6. Respondent did not request a hearing by March 12, 1993.

B. The Board further finds that:

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland.

2. The Respondent was granted a license to practice medicine and surgery in the State of New York in 1987, license number 172037.

3. On or about July 21, 1992, the Respondent entered into a Consent Order with the New York Board for Professional Medical Conduct, wherein the respondent's license to practice medicine and surgery in the State of New York was suspended for two years, such suspension stayed, with two years probation, and a fine of \$10,000 with specifics set forth in detail below.

A copy of consent Order with the Terms of Probation attached hereto and incorporated herein as Exhibit "A".

4. During the period August 1988 through February 1989, the Respondent provided care and treatment to ten patients. Every patient was noted to present with asthma or bronchitis, epigastric pain and backache. In each case, the physical examination was noted as negative. All of the patients received Zantac, Proventil, Pronemia, a non-steroidal anti-inflammatory agent, a tranquilizer or an antidepressant or both, a prescription for creams and soaps, and condoms. A hepatic, renal and/or pancreatic sonogram was performed on nine patients and in each case it was normal.

5. Respondent admitted guilt to the ordering of excessive tests or treatment not warranted by the condition of patients mentioned in paragraph 4 above.

6. Respondent admitted guilt to failing to maintain accurate records for the patients mentioned in paragraph 4 above.

7. The conduct of Respondent described above constitutes unprofessional conduct in the practice of medicine.

8. The conduct of Respondent described above constitutes professional incompetence in the practice of medicine.

9. The conduct of Respondent described above constitutes willful failure to file or record any medical report as required under law in the practice of medicine.

10. The conduct of Respondent described above constitutes failure to meet appropriate standards for the delivery of quality medical and surgical care in the practice of medicine.

11. The conduct of Respondent described above constitutes

administering drugs for illegal or illegitimate medical purposes in the practice of medicine.

12. The disciplinary action taken by the New York Board for Professional Medical Conduct constitutes disciplinary action by a licensing or disciplinary authority under the Act.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent committed prohibited acts under §14-404(a)(21) of the Act, with underlying grounds under §14-404(a)(3), (4), (12), (22) and (27).

Accordingly, the Board concludes as a matter of law that Respondent was disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under this section.

The underlying grounds under this action include:

Is guilty of immoral or unprofessional conduct in the practice of medicine, under MD H.O. §14-404(a)(3)(1992);

Is professionally, physically, or mentally incompetent, under MD H.O. §14-404(a)(4)(1992);

Willfully fails to file or record any medical report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report, under MD H.O. §14-404(a)(12)(1992);

Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care

performed in an outpatient surgical facility, office, hospital, or any other location in this State, under MD H.O. §14-404(a)(22)(1992);

Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes, under MD H.O. §14-404(a)(27)(1992).

ORDER

It is this 23 day of March, 1993,

ORDERED, that Respondent's license to practice medicine in the State of Maryland is SUSPENDED. Said suspension is STAYED and Respondent is placed on probation for a period of two years subject to the following conditions:

1. Respondent must comply with all conditions of his probation with the State of New York as set forth in Exhibit A attached hereto; and
2. Respondent shall not practice medicine in the State of Maryland until Respondent appears before a Case Resolution Conference of the Board and obtains the approval of the Board;

and be it further

ORDERED, that upon satisfactory completion of the requirements of the terms of his probation with the State of Maryland Respondent may petition the Board for reinstatement of his license in Maryland without any conditions; and be it further

ORDERED, that the stay of Respondent's suspension shall be lifted if Respondent fails to comply with any of the terms of this Final Order; and be it further

ORDERED, that this is a Final Order and as such will be considered a public document pursuant to MD STATE GOV'T CODE ANN.

Section 10-611 et. seq. (1984)



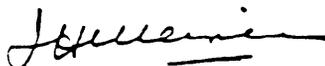
Israel H. Weiner, M.D.
Chair, Board of Physician
Quality Assurance

3/23/93

Date

NOTICE OF RIGHT TO APPEAL

Pursuant to MD HEALTH OCC. CODE ANN. Section 14-408 (b) (1991) there is a right to take a direct judicial appeal. Any appeal shall be made as provided for in judicial review of a final decision in the Administrative Procedure Act, State Government Article and the B Rules of Maryland Procedure, 1992.

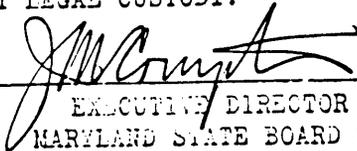


Israel H. Weiner, M.D.
Chair, Board of Physician
Quality Assurance

3/23/93

Date

I HEREBY ATTEST AND CERTIFY UNDER
PENALTY OF PERJURY ON 1/3/94
THAT THE FORGOING DOCUMENT IS A
FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE AND
IN MY LEGAL CUSTODY.



EXECUTIVE DIRECTOR
MARYLAND STATE BOARD OF
PHYSICIAN QUALITY ASSURANCE

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE CANCELLATION,
REVOCATION OR SUSPENSION OF SOUTH
DAKOTA STATE BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS LICENSE #3430
ISSUED TO ANTONIO ALANDY, M.D.

STIPULATION ON
AGREED DISPOSITION

This Stipulation, made and entered into by the South Dakota State Board of Medical and Osteopathic Examiners by and through its duly appointed Investigative Committee consisting of Russell Harris, M.D., Robert Johnson and Charvin Dixon, hereinafter referred to as the Board, and Antonio Alandy, M.D., WITNESSETH:

WHEREAS, the above named Antonio Alandy, M.D., is duly licensed by the South Dakota State Board of Medical and Osteopathic Examiners, and

WHEREAS, the Board is in receipt of certain information which, if true, would constitute unprofessional conduct in violation of SDCL 36-4-30, and gross incompetence in violation of SDCL 36-4-29, and would constitute grounds for the cancellation, revocation or suspension of license #3430 issued to Antonio Alandy, M.D., and

WHEREAS, Antonio Alandy, M.D., has waived his rights pursuant to SDCL 1-26-29 to informally meet with the Board in order to permit him an opportunity to show compliance with all lawful requirements for retention of his license;

NOW, THEREFORE, based upon the foregoing, the parties stipulate and agree as follows:

STATE MEDICAL BOARD
93 DEC 27 PM 4:15

1. That Antonio Alandy, M.D., waives any and all rights, administrative and judicial, that he may enjoy pursuant to SDCL 1-26 or SDCL 36-4.
2. That the South Dakota State Board of Medical and Osteopathic Examiners license #3430, issued to Antonio Alandy, M.D., be suspended for two (2) years from the date of this Agreement.
3. That such license suspension of license #3430 issued to Antonio Alandy, M.D., shall be stayed during a two (2) year period of probation commencing on the date of this Agreement, during which time period Antonio Alandy, M.D., shall abide by and comply with all of the following terms and conditions:

- A. That Antonio Alandy, M.D., shall comply with all laws applicable and relating to the practice of medicine as set forth in SDCL 36-4 as well as all rules and regulations pertaining to the practice of medicine in South Dakota.
- B. That Antonio Alandy, M.D., shall obtain 50 hours of Category I Continuing Medical Education (CME), and Antonio Alandy, M.D., shall provide written evidence to the Board of successful completion of such CME, during the probationary period provided by this Agreement.
- C. That during such two (2) year period, Antonio Alandy, M.D., shall permit the Board or its authorized agents to have free access to all records relating to medical services provided by him to patients and answer questions and disclose

information thereon as requested by the Board or its authorized agents.

D. That Antonio Alandy, M.D., shall make every effort to assure that no false or untrue information is entered into the record of any patient under his care.

E. That Antonio Alandy, M.D., is required to comply with and cooperate with requests from the Board or its authorized agents.

F. That Antonio Alandy, M.D., shall make appearances annually, and/or upon request, before the Board. Antonio Alandy, M.D., shall be given reasonable notice of the date, time and place for the appearance.

G. That Antonio Alandy, M.D., shall be permitted to apply to the Board for unrestricted licensure following successful completion of all probationary terms imposed by the New York State Board for Professional Medical Conduct and reinstatement of full and unrestricted licensure to Antonio Alandy, M.D., by the New York State Board for Professional Medical Conduct. However, all CME requirements imposed by this Agreement must be satisfied prior to reinstatement by this Board.

4. That the charges on file with the Board shall remain a part of the Board's file relative to the licensure of Antonio

Alandy, M.D., and are not, in any manner, waived upon any future matters relating to the right of Antonio Alandy, M.D., to practice medicine in South Dakota, or upon any application for licensure in another state by reciprocity, and nor is such information waived upon any future application of Antonio Alandy, M.D., for South Dakota licensure.

5. That the parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the Board, which recommendations can in no way be considered as binding upon the full membership of the Board who would decide the pending contested case, and that this Stipulation is subject to acceptance by the full membership of the Board.
6. That in the event this Stipulation is not accepted by the membership of the Board, the agreed disposition contemplated by this Stipulation shall not in any manner be considered as binding upon Antonio Alandy, M.D., and in the event this matter proceeds to a contested case hearing the parties agree that no inferences or presumptions shall be drawn by reason of the Stipulation entered into, and that such Stipulation shall in no way prejudice or be considered by the Board upon a contested case hearing or decision thereon.
7. Antonio Alandy, M.D., further agrees that there have been no inducements, threats or promises made in order to obtain his entry in this Agreement.

8. That the parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this Agreement.
9. The parties agree that periods of residence or practice outside South Dakota will not apply to the duration of this Agreement, and that in the event Antonio Alandy, M.D., leaves South Dakota to reside or practice outside the state, Antonio Alandy, M.D., shall notify the Board in writing of the dates of departure and his current address.
10. That the parties also agree that documents filed relative to the above entitled matter are a matter of public record, and that the obligations of the Board with respect thereto shall be governed by South Dakota law and present Board policy.
11. That Antonio Alandy, M.D., specifically waives any claim that any disclosures made to the Board for the purpose of the consideration of this Agreement have prejudiced his rights to a fair and impartial hearing in the event this Agreement is not accepted by the full membership of the Board and if further proceedings ensue.
12. Upon full compliance with the terms and conditions set forth in this Agreement and upon expiration of the period of probation, license #3430 issued to Antonio Alandy, M.D., shall be restored to its unrestricted status free and clear of the terms of probation.
13. That Antonio Alandy, M.D., understands that he has the right and has been afforded the opportunity to have this Agreement reviewed by his attorneys, and that in the event he chooses

to execute this document without taking the opportunity to avail himself of this right, such failure shall be deemed to be a waiver of such right.

14. That in the event any conduct by Antonio Alandy, M.D., during the above referred to probationary period, violates the provisions set forth in this Agreement, the Board may summarily revoke, and cancel, license #3430 issued to Antonio Alandy, M.D.

Dated this 24th day of March, 1993.

The South Dakota State Board
of Medical and Osteopathic
Examiners

STATE OF SOUTH DAKOTA
MINNEAPOLIS COUNTY) S.S.

I hereby certify that the foregoing
instrument is a true and correct copy of
the original as the same appears on the
record in my office.

Notary Public
Minneapolis County

By Phitzey Turley

Date: 12-22-93

By Robert D. Johnson
Robert D. Johnson
Executive Secretary

Antonio M. Alandy
Antonio Alandy, M.D.

[Signature]
Attorney for Antonio
Alandy, M.D.

STATE RECORDS
OF SOUTH DAKOTA
93 DEC 27 PM 4:09