



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

September 30, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Shannon T. Kelley, R.P.A.
209 Stasko Drive
Syracuse, New York 13209

RE: License No. 003782

Dear Ms. Kelley:

Effective Date: 10/07/96

Enclosed please find Order #BPMC 96-235 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: John Valentino, Esq.
Green & Seifter
1 Lincoln Center
Syracuse, New York 13202-1737

Frederick Zimmer, Esq.

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

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IN THE MATTER :
OF : ORDER
SHANNON THERESE KELLEY, R.P.A. : BPMC #96-235

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Upon the Application of SHANNON THERESE KELLEY, R.P.A., to Surrender her Registration Certificate as a physician's assistant in the State of New York, which application is made a part hereof, it is

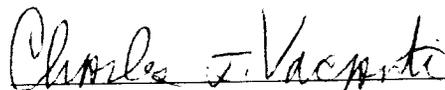
ORDERED, that the Application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physician assistants in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED 27 September 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

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IN THE MATTER	:	APPLICATION TO
OF	:	SURRENDER
SHANNON THERESE KELLEY, R.P.A.,	:	REGISTRATION
RESPONDENT	:	CERTIFICATE

-----X

STATE OF NEW YORK)

ss.:

COUNTY OF ONONDAGA)

SHANNON THERESE KELLY, R.P.A., being duly sworn, deposes and says:

On or about July 24, 1989, I was authorized to practice medicine as a registered physician assistant in the State of New York having been issued registration certificate No. 003782 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician assistant in the State of New York for the period of January 1, 1996 through December 31, 1997.

I understand that I have been charged with nineteen Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and

marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my registration certificate as a physician's assistant in the State of New York on the grounds that I do not contest the allegations set forth in the Statement of Charges (Exhibit A).

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

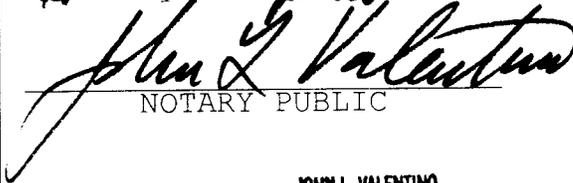
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against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

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physician assistants in the State of New York without further notice to me.

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


SHANNON THERESE KELLEY, R.P.A.
Respondent

Sworn to before me this
~~19~~ day of *September*, 1996


NOTARY PUBLIC

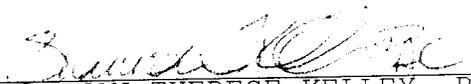
JOHN L. VALENTINO
NOTARY PUBLIC, State of New York
Qualified in Onondaga Co. No. 4929454
My Commission Expires January 3, 19*97*

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

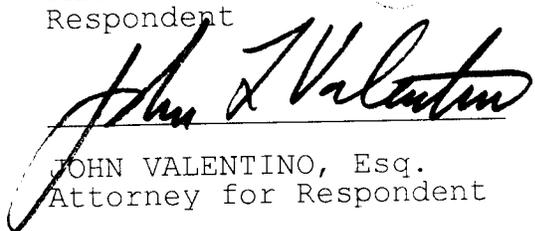
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IN THE MATTER : APPLICATION TO
OF : SURRENDER
SHANNON THERESE KELLEY, R.P.A. : REGISTRATION
RESPONDENT : CERTIFICATE
-----X

The undersigned agree to the attached application of the Respondent to surrender her registration certificate.

Date: 9/17/96, 1996


SHANNON THERESE KELLEY, R.P.A.
Respondent

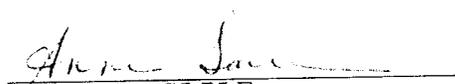
Date: 9/17/96, 1996


JOHN VALENTINO, Esq.
Attorney for Respondent

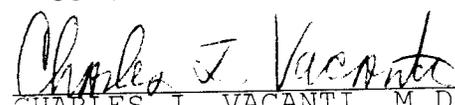
Date: 9/17/96, 1996

FREDERICK ZIMMER, ESQ.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: September 25, 1996


ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

Date: 27 September, 1996


CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
SHANNON THERESE KELLEY, R.P.A., : CHARGES
Respondent :
-----X

SHANNON THERESE KELLEY, R.P.A., the Respondent, was authorized to practice medicine as a physician's assistant in New York State on May 24, 1989 by the issuance of registration certificate number 003782 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, on or about February 14, 1995, provided medical care to Patient A, a 14 year old female (all patients are identified in the attached appendix), at Park Ridge Hospital, Rochester, New York. Respondent's care of Patient A failed to meet acceptable medical standards in that;

1. Respondent failed to document and/or perform an adequate physical examination of Patient A.
2. Respondent caused Patient A to sustain a laceration requiring surgical repair by suturing.
3. Respondent failed to adequately recognize the extent of Patient A's laceration and/or to adequately treat Patient A's laceration.
4. Respondent failed to adequately document the laceration she caused to Patient A's right leg.

5. Respondent inappropriately discharged Patient A.
6. Respondent knowingly and intentionally falsely indicated in Patient A's medical record that while Patient A's prehospital bandage was being removed, the edge of the bandage scissors scraped Patient A causing "superficial (epidermis only) abrasion of 3 x 8 mm. at Patient A's lateral distal thigh" when in fact Patient A had sustained a u-shaped approximately 1 cm. laceration with "fat exposed" ultimately requiring approximately 7 sutures to close.
7. Respondent knowingly and intentionally made a late entry into Patient A's medical record in a manner falsely indicating that the entry was made contemporaneously with the observations contained in the entry when in fact the entry was not made until a later time.
8. Respondent made a late entry into Patient A's medical record and failed to follow the recognized format for making late entries into a medical record.

B. Respondent, on or about April 18, 1994, provided medical care to Patient B, a 66 year old female, at Syracuse Community Health Center, Inc. 819 South Salina Street, Syracuse, New York. Respondent's care of Patient B failed to meet acceptable medical standards in that;

1. Respondent failed to conduct adequate testing given Patient B's symptoms and medical history and/or to adequately assess her prior medical testing and history.
2. Respondent, in diagnosing bronchitis, failed to rule out alternative diagnoses.
3. Respondent inappropriately discharged Patient B.

C. Respondent, on or about November 13, 1992, filed an application for medical staff membership with Loretto Geriatric Center, 700 East Brighton Avenue, Syracuse, New York.

1. In response to a question on the application, "Have your privileges at any hospital ever been suspended, diminished, revoked, or not renewed?", Respondent knowingly and intentionally falsely answered "No N/A". Respondent knew that she had in fact been terminated from employment as a registered physician's assistant at the SUNY Health Science Center at Syracuse of the Research Foundation of SUNY (hereinafter "SUNY Health Science Center") on or about August 15, 1991. Respondent had also been terminated as a physician's assistant from the Prospect Hill Emergency Care Physicians, P.C., affiliated with St. Joseph's Hospital Health Center on or about September 15, 1989.
2. In response to a question inquiring about her past hospital memberships, Respondent knowingly and intentionally omitted her past employment at Prospect Hill Emergency Care Physician's, P.C., affiliated with St. Joseph's Hospital Health Center (hereinafter "Prospect Hill Emergency Care").

D. Respondent, on or about November 3, 1992, filed a Provider Application and Credentialing Documentation with the Syracuse Community Health Center, Inc., 819 South Salina Street, Syracuse, New York.

1. In response to question 11-d on the application, "Have your hospital privileges ever been curtailed, limited or terminated in this state/county or any other state/county?", Respondent knowingly and intentionally falsely answered "No". Respondent knew that in fact she had been terminated from the SUNY Health Science Center and from Prospect Hill Emergency Care as set forth in Factual Allegation C.1 above.
2. In response to an inquiry on the application as to her reasons for leaving places where she had practiced her profession, Respondent knowingly and intentionally failed to list that she was terminated from the SUNY Health Science Center.

E. Respondent, on or about October 26, 1994, filed an Application for Allied Health Professional Staff for employment at the Columbia-Greene Medical Center in Hudson, New York.

1. In response to a question in Section 3 of the application, "Have your privileges at any hospital ever been suspended, revoked, not renewed, or voluntarily surrendered?", Respondent knowingly and intentionally falsely answered "No". Respondent knew that she had in fact been terminated from hospitals as set forth in the above Factual Allegations. Respondent was also aware that she had been terminated by the Syracuse Community Health Center, Inc. on or about May 4, 1994.
2. In response to an inquiry on the application that she list her professional experience, Respondent knowingly and intentionally failed to list her employment at the SUNY Health Science Center and at Prospect Hill Emergency Care.

F. Respondent, on or about December 5, 1994, filed an Application for Appointment to Medical Staff at the Park Ridge Hospital, 1555 Long Pond Road, Rochester, New York.

1. In response to a question on the application, "Have your privileges at any hospital every [sic] been suspended, diminished, revoked or not renewed?", Respondent knowingly and intentionally falsely answered "No". Respondent knew in fact that she had been terminated by hospitals as set forth in the above Factual Allegations. Respondent was also aware that she had been terminated from the Columbia-Greene Medical Center on or about November 30, 1994.
2. In response to a question on the application inquiring as to the names of facilities with which she had been associated, employed, privileged or practiced with the last ten years, Respondent knowingly and intentionally failed to indicate her employment at Prospect Hill Emergency Care.
3. In response to an inquiry as to her reason for leaving a facility at which she had past association, employment, privileges or practice, Respondent knowingly and intentionally failed to indicate that she had been terminated from the SUNY Health Science Center, the Loretto Geriatric Center, the Syracuse Community Health Center and/or the Columbia Greene Medical Center.

4. In response to a question, "Has any disciplinary action ever been taken against you by any facility you have been associated with regard to your professional registration or conduct?", Respondent knowingly and intentionally falsely answered no.

G. Respondent on or about May 17, 1995 filed an Application for Physician Assistant License with the Physician Assistant Advisory Council to the Texas State Board of Medical Examiners. In response to question 4 on that application, "Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended, been put on probation, or been requested to withdraw from any licensed hospital, nursing home, clinic, health maintenance organization, or other health care entity with an organized medical staff, in which you have been trained, been a staff member, or held hospital privileges?", Respondent knowingly and intentionally falsely answered "No". Respondent was in fact aware that she had been terminated from employment as a physician's assistant at the facilities set forth in the above Factual Allegations. Respondent was also aware that on or about February 28, 1995 she had been discharged from the Park Ridge Hospital, 1555 Long Pond Road, Rochester, New York.

SPECIFICATIONS

FIRST THROUGH SECOND SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is guilty of professional misconduct by reason of

her having practiced the profession with gross negligence on a particular occasion in violation of N.Y. Educ. Law §6530(4) (McKinney Supp. 1996) in that the Petitioner charges:

- 1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5 and/or A and A.6.
- 2. The facts in Paragraphs B and B.1, B and B.2 and/or B and B.3.

THIRD THROUGH FOURTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is guilty of professional misconduct by reason of her having practiced the profession with gross incompetence in violation of N.Y. Educ. Law §6530(6) (McKinney Supp. 1996) in that the Petitioner charges:

- 3. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4 and/or A and A.5.
- 4. The facts in Paragraphs B and B.1, B and B.2 and/or B and B.3.

FIFTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is guilty of professional misconduct by reason of her having practiced the profession with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1996) in that the Petitioner charges:

- 5. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, B and B.1, B and B.2 and/or B and B.3.

SIXTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is guilty of professional misconduct by reason of her having practiced the profession with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1996) in that the Petitioner charges:

- 6. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, B and B.1, B and B.2 and/or B and B.3.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is guilty of professional misconduct by reason of her having practiced the profession fraudulently in violation of N.Y. Educ. Law §6530(2) (McKinney Supp. 1996) in that the Petitioner charges:

- 7. The facts in Paragraphs A and A.6 and/or A and A.7.
- 8. The facts in Paragraph C and C.1 and/or C and C.2.
- 9. The facts in Paragraph D and D.1 and/or D and D.2.
- 10. The facts in Paragraph E and E.1 and/or E and E.2.
- 11. The facts in Paragraph F and F.1, F and F.2, F and F.3 and/or F and F.4.
- 12. The facts in Paragraph G.

THIRTEENTH THROUGH EIGHTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is guilty of professional misconduct by reason of her having committed conduct in the practice of the profession evidencing moral unfitness to practice medicine in violation of N.Y. Educ. Law §6530(20) (McKinney Supp. 1996) in that Petitioner charges:

- 13. The facts in Paragraphs A and A.6 and/or A and A.7.
- 14. The facts in Paragraph C and C.1 and/or C and C.2.
- 15. The facts in Paragraph D and D.1 and/or D and D.2.
- 16. The facts in Paragraph E and E.1 and/or E and E.2.
- 17. The facts in Paragraph F and F.1, F and F.2, F and F.3 and/or F and F.4.
- 18. The facts in Paragraph G.

NINETEENTH SPECIFICATION

FAILING TO MAINTAIN RECORDS

Respondent is guilty of professional misconduct by reason of her having failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in violation of N.Y. Educ. Law §6530(32) in that Petitioner charges:

19. The facts in Paragraphs A and A.1, A and A.4, A and A.6, A and A.7 and/or A and A.8.

DATED: *August 8*, 1996
Albany, New York

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