

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

June 20, 1990

Chester Rutkowski, Physician
97 East Main Street
Malone, N.Y. 12953

Re: License No. 031188

Dear Dr. Rutkowski:

Enclosed please find Commissioner's Order No. 10905. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Robert Iseman, Esq.
90 State Street
Albany, N.Y. 12207

CHESTER RUTKOWSKI, M.D.

I am applying to the Board of Regents for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the Thirteenth, Fourteenth, Fifteenth and Sixteenth Specifications in full satisfaction of all the charges.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration

CHESTER RUTKOWSKI, M.D.

of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



CHESTER RUTKOWSKI, M.D.
Respondent

Sworn to before me this
13 day of *Jan*, 1990



NOTARY PUBLIC

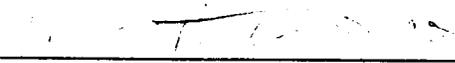
Notary Public for the State of New York
Commission Expires December 7, 19 91

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
CHESTER RUTKOWSKI, M.D. : LICENSE

The undersigned agree to the application in this matter.

Date: July 18, 1990



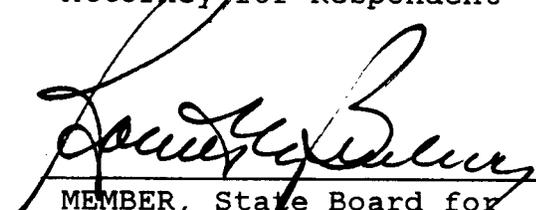
CHESTER RUTKOWSKI, M.D.
Respondent

Date: 7/18, 1990



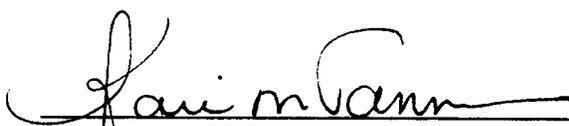
ROBERT ISEMAN, Esq.
Attorney for Respondent

Date: 7/2, 1990



MEMBER, State Board for
Professional Medical Conduct

Date: 3/28, 1990



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

CHESTER RUTKOWSKI, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

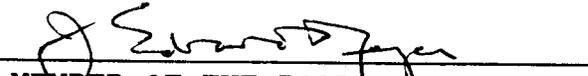
Date: March 28, 1990



DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: May 8, 1990



MEMBER OF THE BOARD OF REGENTS

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CHESTER RUTKOWSKI, M.D. : CHARGES

-----X

CHESTER RUTKOWSKI, M.D., the Respondent, was authorized to practice medicine in New York State on September 19, 1935 by the issuance of license number 031188 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, 1989 through December 31, 1991 from 97 East Main Street, Malone, New York 12953.

FACTUAL ALLEGATIONS

A. Respondent, on or about October 4, 1971 and at various times thereafter through September 15, 1987, provided medical care to Patient A (Patients are identified in the Appendix). Said medical care was provided at Respondent's office at 97 East Main Street, Malone, New York, 12953 (hereinafter Respondent's office).

1. Respondent failed to elicit and/or document an adequate medical history from Patient A.
2. Respondent failed to perform and/or document the results of adequate physical examinations of Patient

A initially and throughout the course of treatment of Patient A.

3. Respondent, from August 1983 to January 1986, failed to provide adequate treatment for Patient A's hypertension.
4. Respondent, on or about November 2, 1981, prescribed Tenuate Dospan to Patient A, despite the patient's elevated blood pressure.
5. Respondent, on or about July 1, 1985 made a diagnosis of hypothyroidism for Patient A. On various occasions from July 1, 1985 through July 17, 1986, Respondent prescribed thyroid medication for Patient A.
 - a. Respondent made a diagnosis of hypothyroidism without adequate justification.
 - b. Respondent failed to order any tests to confirm his diagnosis of hypothyroidism.
 - c. Respondent, without adequate justification or confirmation of his diagnosis of hypothyroidism, repeatedly prescribed thyroid medication to Patient A.
6. Respondent maintained records of Patient A's visits to Respondent's office which did not accurately reflect the evaluation and/or treatment of the patient.

B. Respondent, on or about October 28, 1985, and at various times thereafter through September 28, 1987, provided medical care to Patient B at Respondent's office.

1. Respondent failed to elicit and/or document an adequate medical history from Patient B.
2. Respondent failed to perform and/or document the results of adequate physical examinations of Patient B initially and throughout the course of treatment of Patient B.
3. Respondent failed to perform and/or document adequate workup for secondary causes of Patient B's hypertension.

4. Respondent maintained records of Patient B's visits to his office which did not accurately reflect the evaluation and/or treatment of the patient.

C. Respondent, on or about January 10, 1972, and at various times thereafter through December 9, 1976, provided medical care to Patient C at the St. Regis Mohawk Health Services Clinic, Hogansburg, New York.

1. Respondent failed to elicit and/or document an adequate medical history from Patient C.
2. Respondent failed to perform and/or document the results of adequate physical examinations of Patient C initially and throughout the course of treatment of Patient C.
3. Respondent, on or about February 1, 1972, rendered medical care to Patient C at Alice Hyde Memorial Hospital, Malone, New York. A urinalysis performed on Patient C at said hospital on or about February 1, 1972 revealed 3+ albumin, and a specific gravity of 1.008. Respondent, despite the results of this urinalysis, failed to order a repeat urinalysis for Patient C.
4. Respondent, on or about July 16, 1973, through July 18, 1973, rendered medical care to Patient C at Alice Hyde Memorial Hospital. A urinalysis performed on Patient C at said hospital on or about July 16, 1973 revealed 1+ albumin, and a specific gravity of 1.008. Respondent, despite the results of this urinalysis, failed to order a repeat urinalysis for Patient C.
5. Respondent, on or about May 20, 1976, failed to evaluate or test Patient C to determine the cause of her amenorrhea.
6. Respondent, on or about May 20, 1976, prescribed thyroid medication for Patient C without adequate justification and/or without performing appropriate tests.
7. Respondent, on or about January 10, 1972, and at various times thereafter through March 8, 1976,

prescribed amphetamines for Patient C without adequate physical examination and/or medical followup.

8. Respondent, from February 1, 1972 through December 9, 1976, failed to adequately evaluate Patient C's renal function and/or to assess her for renal disease. On or about July 16, 1977, Patient C underwent a kidney transplant at Upstate Medical Center, Syracuse, New York, for end-stage renal disease.

D. Respondent, on or about October 14, 1986, and at various times thereafter through September 15, 1987, provided medical care to Patient D at Respondent's office.

1. Respondent failed to elicit and/or document an adequate medical history from Patient D.
2. Respondent failed to perform and/or document the results of adequate physical examinations of Patient D initially and throughout the course of treatment of Patient D.
3. Respondent, on or about June 10, 1987, made a diagnosis of enteritis for Patient D and prescribed Penicillin without ascertaining the cause of Patient D's condition and whether it was caused by an organism susceptible to Penicillin.
4. Respondent maintained records of Patient D's visits to Respondent's office which did not accurately reflect the evaluation and/or treatment of the patient.

E. Respondent, on or about September 17, 1973 and at various times thereafter through March 16, 1987, provided medical care to Patient E at Respondent's office.

1. Respondent failed to elicit and/or document an adequate medical history from Patient E.
2. Respondent failed to perform and/or document the results of adequate physical examinations of Patient E initially and throughout the course of treatment of Patient E.

3. Respondent, on April 8, 1982, prescribed Prednisone to Patient E for treatment of a lumbar strain, which was not medically indicated.
4. Respondent maintained records of Patient E's visits to Respondent's office which did not accurately reflect the evaluation and/or treatment of the patient.

FIRST THROUGH FIFTH SPECIFICATIONS

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence under N.Y. Educ. Law §6509(2)

(McKinney 1985) in that Petitioner charges:

1. The facts in Paragraph A and A.1, and/or A.2, and/or A.3, and/or A.4, and/or A.5(a), and/or A.5(b) and/or A.5(c).
2. The facts in Paragraph B and B.1, and/or B.2, and/or B.3.
3. The facts in Paragraph C and C.1, and/or C.2, and/or C.3, and/or C.4, and/or C.5, and/or C.6, and/or C.7, and/or C.8.
4. The facts in Paragraph D and D.1, and/or D.2, and/or D.3.
5. The facts in Paragraph E and E.1, and/or E.2, and/or E.3.

SIXTH THROUGH TENTH SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence under N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges:

6. The facts in Paragraph A and A.1, and/or A.2, and/or A.3, and/or A.4, and/or A.5(a), and/or A.5(b) and/or A.5(c).
7. The facts in Paragraph B and B.1, and/or B.2, and/or B.3.
8. The facts in Paragraph C and C.1, and/or C.2, and/or C.3, and/or C.4, and/or C.5, and/or C.6, and/or C.7, and/or C.8.
9. The facts in Paragraph D and D.1, and/or D.2, and/or D.3.
10. The facts in Paragraph E and E.1, and/or E.2, and/or E.3.

ELEVENTH SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE

THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion under N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges that Respondent has committed two or more of the following:

11. The facts in Paragraphs A and A.1, insofar as they occurred subsequent to September 1, 1975; A and A.2, insofar as they occurred subsequent to September 1, 1975; A and A.3, A and A.4, A and A.5(a), A and A.5(b), A and A.5(c), and B and B.1, B and B.2, B and B.3; C and C.1, insofar as they occurred subsequent to September 1, 1975; C and C.2, insofar as they occurred subsequent to September 1, 1975; C and C.5, C and C.6; C and C.7, insofar as they occurred subsequent to September 1, 1975; C and C.8, insofar as they occurred subsequent to September 1, 1975; D and D.1, D and D.2, D and D.3, D and D.4; and E and E.1, E and E.2, E and E.3, and/or E and E.4.

TWELFTH SPECIFICATION

PRACTICING WITH INCOMPETENCE ON

MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion under N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges that the Respondent has committed two or more of the following:

12. The facts in Paragraphs A and A.1, insofar as they occurred subsequent to September 1, 1975; A and A.2, insofar as they occurred subsequent to September 1, 1975; A and A.3, A and A.4, A and A.5(a), A and A.5(b), A and A.5(c), and B and B.1, B and B.2, B and B.3; C and C.1, insofar as they occurred subsequent to September 1, 1975; C and C.2, insofar as they occurred subsequent to September 1, 1975; C and C.5, C and C.6; C and C.7, insofar as they occurred subsequent to September 1, 1975; C and C.8, insofar as they occurred subsequent to September 1, 1975; D and D.1, D and D.2, D and D.3, D and D.4; and E and E.1, E and E.2, E and E.3, and/or E and E.4.

THIRTEENTH THROUGH SIXTEENTH SPECIFICATIONS

FAILURE TO MAINTAIN ADEQUATE RECORDS

Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law §6509(9) (McKinney 1985) in that Respondent failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient within the meaning of 8 NYCRR §29.2(a)(3), in that Petitioner charges:

13. The facts in Paragraphs A and A.6 insofar as they occurred subsequent to October 1, 1977.
14. The facts in Paragraphs B and B.4.
15. The facts in Paragraphs D and D.4.
16. The facts in Paragraphs E and E.4 insofar as they occurred subsequent to October 1, 1977.

DATED: Albany, New York
January 2, 1980



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

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

CHESTER RUTKOWSKI, M.D.

CALENDAR NO. 10905



The University of the State of New York

IN THE MATTER

OF

CHESTER RUTKOWSKI, M.D.

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10905

Upon the application of CHESTER RUTKOWSKI, M.D., under Calendar No. 10905, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (May 25, 1990): That the application of CHESTER RUTKOWSKI, M.D., respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

CHESTER RUTKOWSKI, M.D. (10905)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 1st day of
June, 1990.
Thomas Sobol
Commissioner of Education