



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

November 15, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew J. Colletta, M.D.
268 E. River Park Drive
Jupiter, Florida 33477

RE: License No. 137508

Dear Dr. Colletta:

Effective Date: 11/22/95

Enclosed please find Order #BPMC 95-283 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: Michael Kelton, Esq.
Lippman, Krasnow & Kelton LLP
711 Third Avenue
New York, New York 10017

Roy Nemerson, Esq.

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

**IN THE MATTER
OF
ANDREW J. COLLETTA, M.D.**

**CONSENT
ORDER**

BPMC #95-283

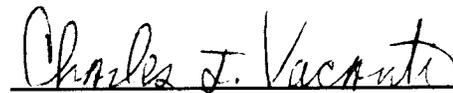
Upon the application of ANDREW J. COLLETTA, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 10 November 1995



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

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

IN THE MATTER
OF
ANDREW J. COLLETTA, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF)
COUNTY OF) ss.:

ANDREW J. COLLETTA, M.D., being duly sworn, deposes and says:

That on or about March 30, 1979, I was licensed to practice as a physician in the State of New York, having been issued License No. 137508 by the New York State Education Department.

My current address is
and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Third Specification as alleged in the facts of paragraphs A, B, C and D, in full satisfaction of the charges against me. I hereby agree that a Censure and Reprimand be imposed.

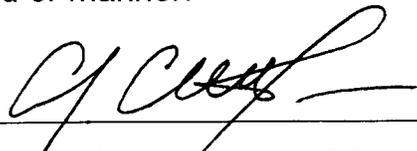
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



ANDREW COLLETTA, M.D.
RESPONDENT

Sworn to before me this

1 day of November, 19 .


NOTARY PUBLIC



STACY D BLACK
My Commission CC465908
Expires Apr. 26, 1999
Bonded by ANB
800-852-5878

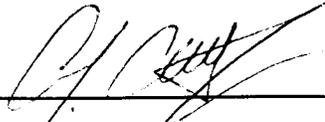
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ANDREW J. COLLETTA, M.D.

APPLICATION
FOR
CONSENT ORDER

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

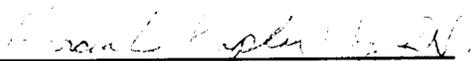
DATE: 11/1/95


ANDREW J. COLLETTA, M.D.
Respondent

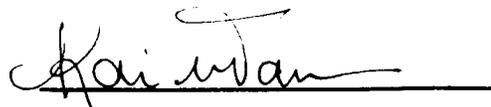
DATE: 11/2/95


MICHAEL KELTON, ESQ.
Attorney for Respondent

DATE: 11/6/95

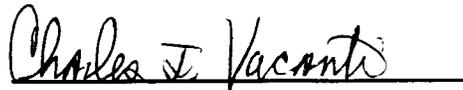

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Nov. 7, 1995



KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 10 November 1995



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

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

IN THE MATTER
OF
ANDREW J. COLLETTA, M.D.

STATEMENT
OF
CHARGES

ANDREW J. COLLETTA, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 30, 1979, by the issuance of license number 137508 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On numerous occasions between May 24, 1991 and December 15, 1992, Respondent prescribed Hycodan for Patient A inappropriately, and/or failed to note appropriate medical indication for these prescriptions.
- B. On or about six occasions between May 12, 1992 and November 3, 1992, Respondent prescribed Hycodan for Patient B inappropriately, and/or failed to note appropriate medical indication for these prescriptions.
- C. On or about three occasions between September 19, 1992 and November 7, 1992, Respondent prescribed Hycodan for Patient C inappropriately, and/or failed to note appropriate medical indication for these prescriptions.
- D. On or about six occasions between June 18, 1992 and December 22, 1992, Respondent prescribed Hycodan to Patient D inappropriately, and/or failed to note appropriate medical indication for these prescriptions.
- E. On numerous occasions on or about and between October 16, 1989 and October 28, 1993, Respondent failed to treat Patient E's respiratory condition appropriately, as follows:

1. Respondent failed to attempt to diagnose the underlying cause of Patient E's cough, and/or failed to note such evaluation.
 2. Respondent failed to order or perform a chest x-ray, and/or failed to note such order or x-ray.
 3. Respondent repeatedly prescribed Hycodan inappropriately to Patient E, and/or failed to note appropriate medical indication for these prescriptions.
- F. On or about four occasions between August 30, 1993 and October 16, 1993, Respondent prescribed Hycodan to Patient F inappropriately, and/or failed to note appropriate medical indication for these prescriptions.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1995) by practicing the profession of medicine with negligence on more than one occasion, as alleged in the facts of two or more of the following:

1. Paragraph A, B, C, D, E, E.1, E.2, E.3 and/or F.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1995) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraph A, B, C, D, E, E.1, E.2, E.3 and/or F.

THIRD SPECIFICATION

INACCURATE RECORDKEEPING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1995) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

3. Paragraph A, B, C, D, E, E.1, E.2, E.3 and/or F.

FOURTH SPECIFICATION

ORDERING EXCESSIVE TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1995) by ordering excessive treatment not warranted by the condition of the patient, as alleged in the facts of:

4. Paragraph A, B, C, D, E and E.3, and/or F.

New York, New York

**ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct**