

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

IN THE MATTER  
OF  
LOUISE TICHENOR, R.P.A.

CONSENT  
ORDER

BPMC No. 08-133

Upon the application of (Respondent) Louise Tichenor, R.P.A., in the attached Consent Agreement and Order, which is made a part of this Consent Order; it is

ORDERED, that the Consent Agreement, and its terms, are adopted; and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 7-23-2008

Redacted Signature  
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KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional Medical Conduct

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

IN THE MATTER  
OF  
LOUISE TICHENOR, R.P.A.

CONSENT  
AGREEMENT  
AND  
ORDER

Louise Tichenor, R.P.A., representing that all of the following statements are true, deposes and says:

That on or about 1998, I was licensed to provide medical services as a physician assistant in the State of New York, and issued License No. 006623 by the New York State Education Department.

My current address is Redacted Address Malone, New Y, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I plead no contest to the Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to Section 230-a(3) of the Public Health Law, my license to practice medicine shall be subject to a restriction whereby I will be permanently prohibited from engaging in employment with a federal, state, county or municipal prison, jail, or correctional facility.

Pursuant to Section 230-a(9) of the Public Health Law, I shall be placed on probation for a period of 36 months, subject to the terms set forth in the attached Exhibit B.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within

Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of

the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED:

7/11/08

  
Redacted Signature

LOUISE TICHENOR, R.P.A.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATED: 7/11/2008 By ~~O'CONNELL AND ARONOWITZ~~  
Redacted Signature  
~~ANDREW R. SAFRANKO, ESQ.~~  
Attorney for Respondent

DATED: 7/15/2008  
Redacted Signature  
CINDY MCFASCIA  
Associate Counsel  
Bureau of Professional Medical Conduct

DATED: 7/21/2008  
Redacted Signature  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
LOUISE TICHENOR, R.P.A.

STATEMENT  
OF  
CHARGES

Louise Tichenor, R.P.A., Respondent, was authorized to perform medical services as a physician assistant in New York State on or about 1998, by the issuance of license number 006623 by the New York State Education Department. Respondent is currently registered with the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent provided medical care to Patient A (identified in Appendix) on or about December 7, 2004, in the infirmary at Upstate Correctional Facility (UCF) in Malone, New York, subsequent to Patient A's discharge from Albany Medical Center. Patient A had been in Albany Medical Center's Epilepsy Monitoring Unit from on or about November 30, 2004 until on or about December 6, 2004. Patient A was discharged from Albany Medical Center (AMC) back to the infirmary at UCF with a diagnosis of pseudoseizures. Patient A, per his discharge summary from AMC, was discharged on Carbatrol 800 mg. po bid.
1. Respondent discontinued Patient A's Carbatrol, despite having reviewed the Albany Medical Center neurologist's discharge summary which stated "The patient will be discharged on Carbatrol 800 mg. po bid."
  2. Respondent, after seeing that the Albany Medical Center neurologist's discharge summary stated that Patient A had a discharge diagnosis of pseudoseizures, engaged in the

following conduct:

- (i) Respondent wrongly assumed that pseudoseizures were "fake seizures" and/or failed to make reasonable efforts to ascertain the correct medical meaning of the term pseudoseizures.
  - (ii) Respondent failed to contact Albany Medical Center for further information and/or clarification regarding the AMC discharge diagnosis of pseudoseizures and/or the AMC discharge instructions from the neurologist that Patient A was to receive Carbatrol 800 mg. po bid.
  - (iii) Respondent discontinued Patient A's Carbatrol and/or assumed that pseudoseizures were "fake seizures" without any stated and/or documented medical basis.
3. Respondent failed to obtain appropriate consultation with a physician or with a medical provider familiar with Patient A's history prior to discontinuing Patient A's Carbatrol.
  4. Respondent, when she discontinued Patient A's Carbatrol, also ordered that Patient A be returned to the cell block, where medical observation, monitoring and/or access is more limited and/or more difficult to obtain than in the infirmary.
  5. Respondent, despite the fact she had never seen or treated Patient A prior to December 7, 2004, made her decision to discontinue Patient A's Carbatrol and return him to the cell block

based not solely on medical information pertaining to Patient A, but based at least in part on Respondent's attitude toward and/or impressions of the inmate population in general.

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

##### **GROSS NEGLIGENCE**

Respondent is charged with professional misconduct by reason of her practicing with gross negligence on a particular occasion in violation of N.Y. Educ. Law §6530(4), in that Petitioner charges:

1. The facts in Paragraphs A and A.1; and/or A.2 and A.2(i) and/or A.2(ii) and/or A.2(iii); and/or A.3 and/or A.4 and/or A.5 and/or A.6.

#### **SECOND SPECIFICATION**

##### **GROSS INCOMPETENCE**

Respondent is charged with professional misconduct by reason of her practicing with gross incompetence in violation of N.Y. Educ. Law §6530(6), in that Petitioner charges:

2. The facts in Paragraphs A and A.1; and/or A.2 and A.2(i) and/or A.2(ii) and/or A.2(iii); and/or A.3 and/or A.4 and/or A.5 and/or A.6.

DATE: June 19, 2008  
Albany, New York

Redacted Signature

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

## **EXHIBIT B**

### **Terms of Probation**

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that

accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

### **PRACTICE MONITOR**

9. Within thirty days of the effective date of the order, Respondent shall provide medical services only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
  - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.

### **CONTINUING MEDICAL EDUCATION**

10. Respondent, during the period of probation, shall complete a total of 30 hours of Category I Continuing Medical Education (CME). Said CME is to be in the areas of pediatrics, primary care/ family practice and medical recordkeeping. All CME courses are subject to the prior written approval of OPMC. Said 30 hours of CME shall be in addition to any other CME that Respondent is required to complete to maintain licensure in any jurisdiction or privileges in any facility.
11. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.
12. Upon my successful completion of two years of the period of probation, I may petition the Director for an early release therefrom and the Director shall exercise reasonable discretion in deciding whether to grant my petition.