



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
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NYS Department of Health
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Chief of Staff
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Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

February 7, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ann Landsman, R.P.A.

REDACTED

Re: License No. 002289

Dear Ms. Landsman:

Enclosed is a copy of Order #BPMC 08-20 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 14, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order. If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to: Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

REDACTED

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: James Fabian, Esq.
Nixon, Peabody, LLP
50 Jericho Quadrangle, Suite 300
Jericho, New York 11753

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

IN THE MATTER
OF
ANN LANDSMAN, R.P.A.

CONSENT
ORDER
BPMC #08-20

Upon the application of (Respondent), ANN LANDSMAN, 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 Consent 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: 2-6-2008

REDACTED

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

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

IN THE MATTER
OF
ANN LANDSMAN, R.P.A.
CO-07-06-3371-A

CONSENT
AGREEMENT
AND ORDER

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

That on or about September 26, 1983, I was licensed to practice as a physician assistant in the State of New York, and issued License No. 002289 by the New York State Education Department.

My current address is REDACTED and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with eight (8) Specifications of professional misconduct.

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

I do not contest the eight (8) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Three (3) year suspension of my New York State license to practice medicine, the first year active, the remaining two (2) years to be served as probation in accordance with Exhibit B, attached, hereto.

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

Respondent shall provide copies of all applications relating to the practice of medicine, to include, but not limited to, employment, privileges, insurance, and licensure, in any jurisdiction, to the Director, OPMC, concurrent with their submission.

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee 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 Consent 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 Consent 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 Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in 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 New York 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 Consent 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. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 1/22/08

REDACTED

ANN LANDSMAN, R.P.A.
Respondent

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

DATE: 1/22/08

REDACTED

JAMES FABIAN
Attorney for Respondent

DATE: 01 February 2008

REDACTED

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/5/08

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ANN LANDSMAN, R.P.A.
CO-07-06-3371-A

AMENDED

STATEMENT

OF

CHARGES

ANN LANDSMAN, R.P.A. Respondent, was authorized to practice medicine as a physician assistant in New York state on September 26, 1983, by the issuance of license number 002289 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about February 15, 1998, Respondent commenced full time employment, as a physician assistant, at North Central Bronx Hospital, Bronx, New York.
- B. On or about February 21, 2002, the New York Medical Alliance, U.F.P.C., the management for North Central Bronx Hospital, where Respondent had been employed as a full time physician assistant from on or about February 15, 1998, notified Respondent, that she was terminated from employment at North Central Bronx Hospital, Bronx, New York, for cause.
- C. On or about December 3, 1992, Respondent commenced full time employment, as a physician assistant, at Maimonides Medical Center, Brooklyn, New York.
- D. On or about April 15, 1999, Maimonides, Medical Center, by a Disciplinary Action, suspended Respondent without pay on April 15, 16, and 17, 1999.
- E. On or about March 29, 2000, Maimonides Medical Center confirmed that Respondent was suspended from duty commencing February 10, 2000, and terminated her employment.

F. On or about April 15, 2002, Respondent prepared and/or submitted, to the New York State Education Department, a Registration Application, wherein she falsely answered "No," to question "5. Since you last registered, has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence or negligence?"

G. On or about August 5, 2002, Respondent prepared and/or submitted, to The Brookdale University Hospital & Medical Center, Brooklyn, New York, an Application for Appointment to the Medical/Allied Health Professional Staff, wherein she falsely answered "No" to question "1. Have you ever had any of the following items (A-H) involuntarily, denied, revoked, suspended, not renewed, placed under probation or otherwise limited or curtailed; or have you voluntarily relinquished any item in anticipation of any of these actions; or are any actions currently pending with respect to any of these items? If your answer is 'yes' to any of the following please attach a full explanation. E. Membership on any hospital medical staff," under the "Professional Conduct History" section and failed to attach a full explanation and/or employment at North Central Bronx Hospital and/or Maimonides Medical Center, under the "Professional Conduct History" section and the "Work Experience/Professional History" section.

H. On or about November 26, 2003, Respondent prepared and/or submitted to Brookhaven, Memorial Hospital Medical Center, Patchogue, New York, an "Application for Appointment to the Medical Staff," wherein she falsely failed to list her employment at North Central Bronx Hospital in the "Affiliations" section and/or falsely answered "No" to question "3. Have you ever been denied membership or the renewal thereof or been subject to disciplinary action by any hospital, medical staff, medical organization, or managed care organization, or have you voluntarily relinquished your membership in anticipation of same – or is such action pending?" and/or "4. Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed, or have you voluntarily relinquished your privileges in anticipation of same – or is any such action pending?" in the "Discipline" section.

I. On or about March 17, 2005, and/or about March 8, 2007, Respondent prepared and/or submitted to the Department of Veterans Affairs, James J. Peters VA Medical Center, Bronx, New York, a "Supplemental Information" form, wherein she falsely answered "No" to "Have any of the following ever been, or are they in the process of being -- either on a voluntary or involuntary basis -- denied, revoked, suspended, reduced, limited, placed on probation, not renewed, withdrawn, or relinquished while under investigation or for disciplinary reasons? 3. "Memberships on any hospital, agency, licensure program, medical staff or as a participant in a research program been the subject of focused individual monitoring" and/or 16. Within the last five years have you been discharged from any position for any reason?"

J. On or about February 6, 2006, Respondent prepared and/or submitted, to SUNY Downstate Medical Center, University Hospital of Brooklyn, Brooklyn, New York, an Allied Health Care Credentials Application, wherein she falsely answered "no" to question "Licensure and Hospital Membership 3) Have your privileges at any hospital ever been suspended, diminished, revoked, or not renewed or has disciplinary or corrective action ever been instituted?" and/or "4) Have you ever been denied membership or renewal thereof or been subject to disciplinary action in any medical organization, hospital/medical staff, or have such proceedings ever been initiated against you?" and failed to fully disclose all past employment in the "Clinical, Facility and other Professional Affiliations" section.

K. On or about December 10, 2006, Respondent prepared and/or submitted to The Mentor Network, an Application for Employment, wherein she falsely failed to list her employment at North Central Bronx Hospital in the "Record of Employment (last 10 years)" section.

L. On or about June 6, 2007, in the Supreme Court of the State of New York, Bronx County, New York, Respondent was found guilty, of Scheme to defraud in the first degree, in violation of New York Penal Law §190.65, a class E felony.

SPECIFICATIONS
FIRST THROUGH SIXTH SPECIFICATIONS

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, D, E, and/or F.
2. The facts in Paragraphs A, B, C, D, E, and/or G.
3. The facts in Paragraphs A, B, C, D, E, and/or H.
4. The facts in Paragraphs A, B, C, D, E, and/or I.
5. The facts in Paragraphs A, B, C, D, E, and/or J.
6. The facts in Paragraphs A, B, C, D, E, and/or K.

SEVENTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

7. The facts in Paragraph L.

EIGHTH SPECIFICATION

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that the Petitioner charges:

8. The facts in Paragraphs A, B, C, D, E, and/or F.

DATED: Feb. 1, 2008
Albany, New York

REDACTED

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 Education Law §§ 6530 or 6531 shall constitute a violation of probation and may Subject Respondent to an action pursuant to New York Public Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, 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 this 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, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
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. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 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 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
6. 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, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. 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.
8. Respondent shall enroll in and complete a continuing education program in the area of professional ethics. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first three months of the probation period, unless an extension is granted by the Director of OPMC.

9. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a 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.