



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

Public

December 6, 2007

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Joel Ablove, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237-0032

Bruce Siedlecki, M.D.  
1000 11<sup>th</sup> Avenue North  
Apartment 111  
North Myrtle Beach, South Carolina 29582

**RE: In the Matter of Bruce Siedlecki, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 07-270) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

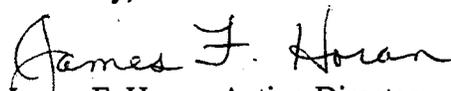
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

  
James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

**IN THE MATTER  
OF  
BRUCE SIEDLECKI, M.D.**

**DETERMINATION  
AND  
ORDER**

BPMC #07-270

**COPY**

**IRVING S. CAPLAN.**, Chairperson, **DAVID TYLER, M.D.** and **PETER B. KANE, M.D.** duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, served as Administrative Officer for the Hearing Committee. The Department of Health appeared by **THOMAS G. CONWAY**, General Counsel, **JOEL ABELOVE, ESQ.**, Associate Counsel, of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

## STATEMENT OF CHARGES

The accompanying Statement of Charges alleged one (1) specification of professional misconduct for negligence on more than one occasion. The charges are more specifically set forth in the Statement of Charges dated September 10, 2007, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

### SUMMARY OF PROCEEDINGS

Notice of Hearing Date:	September 10, 2007
Pre-Hearing Conference	October 2, 2007
Hearing Date:	October 30, 2007

### WITNESSES

For the Petitioner:	None
For the Respondent:	None

### FINDINGS OF FACT

1. Bruce Siedlecki, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1985, by the issuance of license number 164078 by the New York State Education Department. (Pet. Ex. 5)
2. Respondent, an Ob/Gyn and a Lt. Colonel in the United States Air force, provided medical care to patients at the 366<sup>th</sup> Medical Group (ACC), Mountain Home Air Force Base, Idaho 83648. (Pet.'s Ex. 2)
3. Respondent was notified on or about June 16, 2006, that his clinical privileges at Mountain Home Air force Base, Idaho, were held in abeyance. This action was taken in

response to two documented delays in treating pregnant patients for urinary tract infections, as well as failure to perform an ultrasound prior to recommending the administration of methergine in a pregnant patient with a history of vaginal bleeding. (Pet. Ex. 2)

4. Respondent was notified on or about July 14, 2006, that his clinical privileges at Mountain Home Air Force Base, Idaho, were suspended as follows: Provision of inpatient medical and surgical Obstetrical care for all patients beyond the first trimester of pregnancy, with the exception of action as first assistant for Cesarean sections in which another obstetrician is the principal surgeon. Respondent's outpatient and inpatient gynecologic privileges, as well as his privileges in caring for obstetrical patients in the first trimester will be as stated in his List of Clinical Privileges prior to his abeyance. The action was taken in response to the findings of an external peer review, which determined, through analysis of chart and quality of care reviews, a serious deficit in knowledge exists that could have serious adverse effects on Obstetrical inpatient care, including serious injury of loss of life to pregnant patients and their unborn children.

(Pet's Ex.2)

5. On or about August 2, 2006, Major Steve Brumfield, M.D., Chief, Department of Obstetrics and Gynecology, 1<sup>st</sup> MDG, 1<sup>st</sup> Fighter Wing, Langley Air Force Base, VA, completed a review of records regarding inpatient obstetrical care rendered by Respondent since June 2005. Out of 50 charts in which Respondent provided the majority of the inpatient obstetrical care, Respondent failed to meet the standard of care 46% of the time. (Pet's Ex.2)

6. On or about August 7, 2006, the credentials function committee at Mountain Home Air Force Base recommended a reduction of Respondent's privileges, specifically the permanent removal of certain clinical privileges from Respondent's Air Force Form 2820- Clinical Privileges-Obstetrician/Gynecologist. (Pet's Ex.2)
7. On or about August 9, 2006, Respondent was notified by Colonel Jerrold N. Flyer, USAF, MC, FS, Commander, 366<sup>th</sup> Medical Group (ACC), Mountain Home Air Force Base, that he proposed to reduce Respondent's clinical privileges/practice, based upon the recommendation of the credential function committee.(Pet's Ex. 2)
8. On or about September 18, 2006, Respondent's clinical privileges/practice- all obstetrical care to include antepartum care, obstetrical delivery, and post partum care-were revoked by Colonel Flyer. (Pet's Ex.2)
9. On or about January 5, 2007, Respondent's, clinical privileges/practice were reduced as outlined in paragraph "8" above. (Pet's Ex.2)

#### CONCLUSIONS OF LAW

Respondent is charged with one (1) specification alleging professional misconduct within the meaning of Education Law § 6530. This statute sets forth numerous forms of conduct which constitute professional misconduct, but do not provide definitions of the various types of misconduct. During the course of its deliberations on these charges, the Hearing Committee consulted a memorandum prepared by the General Counsel for the Department of Health. This document, entitled "Definitions of Professional Misconduct Under the New York Education Law", sets forth suggested definitions for gross

negligence, negligence, gross incompetence, incompetence and the fraudulent practice of medicine.

The following definition was utilized by the Hearing Committee during its deliberations:

Negligence is failure to exercise the care that would be exercised by a reasonably prudent licensee under the circumstances.

Using the above-referenced definition as a framework for its deliberations, the Hearing Committee concluded, by a preponderance of the evidence, that the one (1) specification of professional misconduct should be sustained.

#### **Factual Allegations A, A.1-7: SUSTAINED**

The Hearing Committee finds that Respondent provided substandard care on numerous occasions as outlined in the Findings of Fact. They have reviewed the documentation submitted by Respondent. They find the information unpersuasive to offset the findings of his military superiors that Respondent suffered a serious deficit of medical knowledge and that 50 of his reviewed charts showed that he failed to meet the standard of care 46% of the time. Furthermore, Respondent elected not to appear in person to face the questions of the Hearing Committee. He has alluded to a witness who might be supportive of his position, but he failed to produce her to testify on his behalf. The Hearing Committee concludes that the charge of negligence on more than one

occasion is supported by the evidence in the record and they sustain the First Specification.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a unanimous vote that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, the imposition of monetary penalties and dismissal in the interests of justice.

The Hearing Committee believes that Respondent's level of careless medical practice is significant and threatens the public safety. The written information submitted by Respondent does not mitigate the charges against him. His attitude that he does not appear to care about the outcome of his New York license further troubles the Committee. They conclude that he bears the responsibility for the ramifications of this decision.

The Hearing Committee finds that the public needs to be protected against repeated acts of substandard practice as exhibited in the record. Under the totality of the circumstances, the Hearing Committee concludes that this penalty is commensurate with the level and nature of Respondent's professional misconduct.

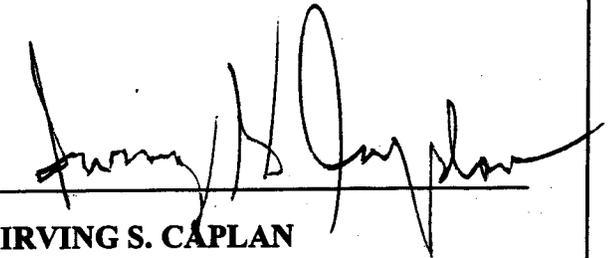
**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First Specification of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED;** and
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED;**
3. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: Malone, New York**

12-4 2007



**IRVING S. CAPLAN**

**(Chairperson)**

**DAVID TYLER, M.D.**

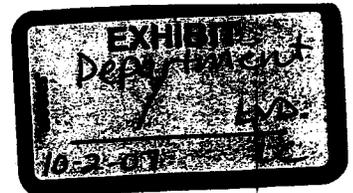
**PETER B. KANE, M.D.**

**TO: Joel Abelow, Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, NY 12237-0032**

**Bruce Siedlecki, M.D..  
1000 11<sup>th</sup> Avenue North  
Apt. 111  
North Myrtle Beach, S.C. 29582**

# **APPENDIX I**

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



IN THE MATTER  
OF  
BRUCE SIEDLECKI, M.D.

NOTICE  
OF  
HEARING

TO: BRUCE SIEDLECKI, M.D.  
1000 11<sup>TH</sup> Avenue North  
Apt. 111  
North Myrtle Beach, SC 29582

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on October 30, 2007, at 10:00 a.m., at the Offices of the New York State Department of Health, 433 River Street, 4<sup>th</sup> Floor, Troy, New York, 12180, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF

ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A

DETERMINATION THAT YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET OUT IN NEW  
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED  
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS  
MATTER.

DATED: Albany, New York  
September 10, 2007



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

Inquiries should be directed to: Joel E. Ablove  
Associate Counsel  
Bureau of Professional Medical Conduct  
Empire State Plaza  
Corning Tower, Rm 2512  
Albany, New York 12237-0032  
(518) 473-4282

IN THE MATTER  
OF  
BRUCE SIEDLECKI, M.D.

STATEMENT  
OF  
CHARGES

BRUCE SIEDLECKI, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1985, by the issuance of license number 164078 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent, an Ob/Gyn and a Lt. Colonel in the United States Air Force, provided medical care to patients at the 366<sup>th</sup> Medical Group (ACC), Mountain Home Air Force Base, Idaho 83648. Respondent's care and treatment of his patients failed to meet accepted standards of medical care in that:
1. Respondent was notified on or about June 16, 2006, that his clinical privileges at Mountain Home Air Force Base, Idaho, were held in abeyance. This action was taken in response to two documented delays in treating pregnant patients for urinary tract infections, as well as failure to perform an ultrasound prior to recommending the administration of methergine in a pregnant patient with a history of vaginal bleeding.
  2. Respondent was notified on or about July 14, 2006, that his clinical privileges at Mountain Home Air Force Base, Idaho, were suspended as follows: provision of inpatient medical and

surgical Obstetrical care for all patients beyond the first trimester of pregnancy, with the exception of action as first assistant for Cesarean sections in which another obstetrician is the principal surgeon. Respondent's outpatient and inpatient gynecologic privileges, as well as his privileges in caring for obstetrical patients in the first trimester will be as stated in his List of Clinical Privileges prior to his abeyance. This action was taken in response to the findings of an external peer review, which determined, through analysis of chart and quality of care reviews, a serious deficit in knowledge exists that could have serious adverse effects on Obstetrical inpatient care, including serious injury or loss of life to pregnant patients and their unborn children.

3. On or about August 2, 2006, Major Steve Brumfield, MD, Chief, Department of Obstetrics and Gynecology, 1<sup>st</sup> MDG, 1<sup>st</sup> Fighter Wing, Langley Air Force Base, VA, completed a review of records regarding inpatient obstetrical care rendered by Respondent since June 2005. Out of 50 charts in which Respondent provided the majority of the inpatient obstetrical care, Respondent failed to meet the standard of care 46% of the time.
4. On or about August 7, 2006, the credentials function committee at Mountain Home Air Force Base recommended a reduction of Respondent's privileges, specifically the permanent removal of certain clinical privileges from Respondent's Air Force Form 2820 - Clinical Privileges-Obstetrician/Gynecologist.
5. On or about August 9, 2006, Respondent was notified by

Colonel Jerrold N. Flyer, USAF, MC, FS, Commander, 366<sup>th</sup> Medical Group (ACC), Mountain Home Air Force Base, that he proposed to reduce Respondent's clinical privileges/practice, based upon the recommendation of the credentials function committee.

6. On or about September 18, 2006, Respondent's clinical privileges/practice - all obstetrical care to include antepartum care, obstetrical delivery, and post partum care - were revoked by Colonel Flyer.
7. On or about January 5, 2007, Respondent's clinical privileges/practice were reduced as outlined in paragraph "6" above.

### SPECIFICATION OF CHARGES

#### FIRST SPECIFICATION

#### PRACTICING THE PROFESSION WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with Practicing the Profession with Negligence on More Than One Occasion, in violation of New York Education Law Section 6530(3), in that Petitioner charges two or more of the following:

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, A and A.6, and/or A and A.7.

DATE: September 10, 2007  
Albany, New York

  
Peter D. VanBuren  
Deputy Counsel  
Bureau of Professional Medical Conduct

In the Matter of Bruce Siedlecki, M.D.

Plaintiff(s)/Petitioner(s)

vs

Defendant(s)/Respondent(s)

STATE OF NORTH CAROLINA COUNTY OF , SS.:

Catherine McMahon, being duly sworn deposes and says deponent is not a party herein, and is over the age of eighteen years. That on Sept 20, 2007 at 12:17 PM at 1000 10th Ave N Apt 111, N. Myrtlebeach SC deponent (did, did not) serve the within Notice of Hearing

on: Bruce Siedlecki, M.D., (herein called recipient) therein named.

#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORP.  A \_\_\_\_\_ corporation, by delivering thereat a true copy of each to \_\_\_\_\_ personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be \_\_\_\_\_ thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON  By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state

#4 AFFIXING TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.

#5 MAILING COPY  On \_\_\_\_\_ deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent called at the aforementioned address on the following dates and times:

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

#6 NON-SERVICE  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:  
[ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other

#7 DESCRIPTION  A description of the Defendant, or other person served, on behalf of the Defendant is as follows:  
(use with #1, 2 or 3) Sex M Color of skin W Color of hair Gray Approx. Age 45 Approx. Height 6'1" Approx. weight 150 Other \_\_\_\_\_

#8 WIT. FEES  \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not.

Sworn to before me on this

24<sup>th</sup> day of SEPTEMBER, 2007  
[Signature]

Catherine McMahon

My Commission Expires May 3, 2012

Invoice-Work Order # 0718810