



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

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Ansel R. Marks, M.D., J.D.
Executive Secretary

February 7, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Stephen J. Gawronski, M.D.
5196 Genesee Street
Bowmansville, New York 14026

RE: License No. 142133

Dear Dr. Gawronski:

Enclosed please find Order #BPMC 02-49 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 7, 2002.

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

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

Enclosure

cc: Lawrence J. Vilaro, Esq.
Connors & Vilaro, LLP
1020 Liberty Building
420 Main Street
Buffalo, New York 14202

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

**IN THE MATTER
OF
STEPHEN J. GAWRONSKI, M.D.**

**CONSENT
ORDER
BPMC No. 02-49**

Upon the proposed agreement of STEPHEN J. GAWRONSKI, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted
and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,
which may be accomplished by mailing, by first class mail, a copy of the Consent
Order to Respondent at the address set forth in this agreement or to Respondent's
attorney by certified mail, or upon transmission via facsimile to Respondent or
Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/5/02


WILLIAM P. DILLON, 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
STEPHEN J. GAWRONSKI, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

STEPHEN J. GAWRONSKI, M.D., representing all statements herein made to be true, deposes and says:

That on or about May 16, 1980, I was licensed to practice as a physician in the State of New York, having been issued License No. 142133 by the New York State Education Department.

My current address is 5196 Genesee Street, Bowmansville, New York 14026, 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 Two Specifications of professional misconduct.

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

I do not contest the First Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

- That I shall receive a Censure and Reprimand;
- that I shall pay a \$7,500 fine. Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to: Bureau of Accounts Management, New York State Department of Health Empire State Plaza, Corning Tower, Room 1245, Albany, New York 12237;

- Respondent shall perform 200 hours of community service. The service shall be completed within 1 year from the effective date of the Order herein. The service may be either medical in nature (and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population) or non-medical in nature. The community service shall be subject to the approval of the Director of OPMC, which approval shall not be unreasonably withheld. A written proposal for community service must be submitted to, and is subject to the written approval of the Director of OPMC. Community service performed prior to written approval shall not be credited toward compliance with this Order.
- Respondent shall enroll in and complete a continuing education program in the area of Infection control to be equivalent to at least 20 credit hours of Continuing Medical Education, over and above the recommended minimum standards set by the Respondent's accreditation board. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within one year of the effective date of the Order herein.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services,

and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

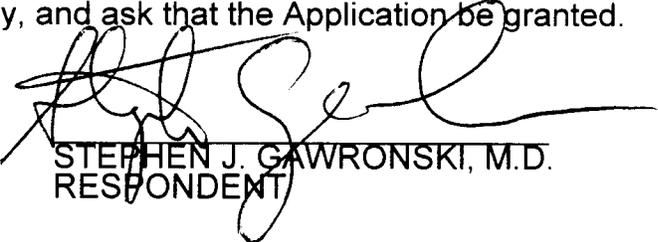
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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; 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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 11/10/2002


STEPHEN J. GAWRONSKI, M.D.
RESPONDENT

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

DATE: 1/10/02


LAWRENCE J. VILARDO, ESQ.
Attorney for Respondent

DATE: 1/17/02


MICHAEL A. HISER, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 2/04/02


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

IN THE MATTER
OF
STEPHEN J. GAWRONSKI, M.D.

STATEMENT
OF
CHARGES

STEPHEN J. GAWRONSKI, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 16, 1980, by the issuance of license number 142133 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A, (a list of patients' names is included as Appendix A), a 74 year old male, beginning on or about March 25, 2000, at the Millard Fillmore Suburban Hospital, 1540 Maple Road, Williamsville, New York 14221. On or about March 25, 2000, the patient underwent a surgical procedure that included a femoral-tibial bypass graft. The patient had a history of Hepatitis.

1. Respondent, during the course of performing the operative procedure, acting with less than due care, caused blood from Patient A to be squirted at, and hit, Nurse, H.S., one of the nurses in the operating room.
2. Respondent, during the course of performing the operative procedure, acting with less than due care, and after the events described in "1", above, caused blood from Patient A to be squirted at, and hit, Scrub Technician M.P.
3. Respondent, during the course of performing the operative procedure, acting with less than due care, and after the events described in "1" and "2", above, caused blood from Patient A to be squirted at, and hit, Circulating Nurse D.O.

SPECIFICATION OF CHARGES

**FIRST SPECIFICATION
INFECTION CONTROL PRACTICES**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(47) by reason of having failed to use scientifically accepted barrier precautions and infection control practices as established by the department of health pursuant to section two hundred thirty-a of the public health law, as alleged in the facts of:

1. Paragraphs A and A.1, A and A.2, and/or A and A.3.

**SECOND SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) 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:

2. Paragraphs A and A.1, A and A.2, and/or A and A.3.

DATED: January *18*, 2002
Albany, New York



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