



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

August 2, 2000

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marycatherine L. Krause, M.D.  
P. O. Box 21447  
Euclid, Ohio 44121-0447

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Marycatherine L. Krause, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-216) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T' and 'B'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

BPMC #00-216

**IN THE MATTER**  
**OF**  
**MARYCATHERINE L. KRAUSE, M.D.**

A Notice of Hearing, dated, June 13, 2000, a Statement of Charges, dated, February 28, 2000, and a Commissioner's Summary Order dated March 1, 2000 were served upon the respondent, **MARYCATHERINE L. KRAUSE, M.D.**

**EDWARD SINNOTT, M.D.**, Chairperson, **HOWARD SOHNEN, M.D.** and **MICHAEL GONZALEZ, R.P.A.**, duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on June 19, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received and transcripts of these proceeding were made.

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



## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **MARYCATHERINE L. KRAUSE, M.D.**, the Respondent, was authorized to practice medicine in New York state on March 4, 1994, by the issuance of license number 195095 by the New York Education Department. (Pet's. Ex. 5).

2. On May 12, 1999, the State Medical Board of Ohio (hereinafter "Ohio Board"), by a Findings Order and Journal Entry (hereinafter "Ohio Order") suspended the Respondent's certificate to practice medicine for an indefinite period of time, based on Respondent's inability to practice medicine according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to physical deterioration that adversely affects cognitive, motor or perceptive skills. (Pet's. Ex. 6).

3. By Summary Order, dated March 1, 2000, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, pursuant to N.Y. Public Health Law Section 230, upon the recommendation of a Committee on Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (Ohio) has made a finding substantially equivalent to a finding that the

practice of medicine, by Marycatherine L. Krause, M.D. (Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the documents of the State Medical Board of Ohio which are attached hereto as Appendix "A" and made a part hereof.

The Commission further ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York. Any practice of medicine in the State of New York in violation of this (Commissioner's) Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512. (Pet's. Ex. 1).

### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that conduct resulting in the Ohio Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to:

- New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability);
- New York Education Law §6530(8) (having a psychiatric condition which impairs the licensee's ability to practice).

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.

**VOTE: SUSTAINED (3-0)**

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had her license to practice medicine suspended or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

**VOTE: SUSTAINED (3-0)**

## HEARING COMMITTEE DETERMINATION

The record in this case indicates that May 12, 1999, the State Medical Board of Ohio suspended the Respondent's certificate to practice medicine for an indefinite period of time, based on Respondent's inability to practice medicine according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to physical deterioration that adversely affects cognitive, motor or perceptive skills.

On March 1, 2000, the Commissioner of Health of the State of New York issued a Summary Order prohibiting the Respondent from practicing medicine in New York state based on the findings and action by the "Ohio Board."

The Respondent did not appear at the instant hearing, nor did she submit any evidence in mitigation of the charges.

The Hearing Committee determined unanimously (3-0) that the Respondent's license to practice medicine in the state of New York should be REVOKED.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby REVOKED.
2. 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: SOXERS, New York

July 27, 2000

  
EDWARD SINNOTT, M.D.  
Chairperson

HOWARD SOHNEN, M.D.  
MICHAEL GONZALEZ, R.P.A.

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

---

IN THE MATTER

*M* OF  
MARY *K*ATHERINE L. KRAUSE, M.D.

---

NOTICE OF  
HEARING

*M*  
TO: MARY *K*ATHERINE L. KRAUSE, M.D.  
5148 Peach Street  
Apartment 127  
Erie, Pennsylvania 16509

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
1117 E. Putnam Avenue  
Apartment 312  
Riverside, Connecticut 06878

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
1117 E. Putnam Avenue  
Apartment 312  
Riverside, Connecticut 06878

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
1517 22<sup>nd</sup> Avenue  
Altoona, Pennsylvania 16601

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
5124 Mayfield Road  
Lyndhurst, Ohio 44124

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
P.O. Box 21447  
South Euclid, Ohio 44121

*M*  
MARY *K*ATHERINE L. KRAUSE, M.D.  
3745 Mayfield Road  
Cleveland Heights, Ohio 44121



**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19<sup>th</sup> day of July, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Commissioner's Summary Order and Statement of Charges, which are attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before July 10, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an 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. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before July 10, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

*June 13*, 2000



PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0820

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

-----X

IN THE MATTER  
OF  
MARYCATHERINE L. KRAUSE, M.D.

COMMISSIONER'S  
SUMMARY  
ORDER

-----X

TO: MARYCATHERINE L. KRAUSE, M.D.  
P.O. Box 21447  
Euclid, Ohio 44121-0447

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, pursuant to N.Y. Public Health Law Section 230, upon the recommendation of a Committee on Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (Ohio) has made a finding substantially equivalent to a finding that the practice of medicine, by Marycatherine L. Krause, M.D. (Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the documents of the State Medical Board of Ohio which are attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York.

Any practice of medicine in the State of New York in violation of this (Commissioner's) Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the

State of Ohio. The 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 a date and at a location to be set forth in a written Notice of Summary Hearing to be provided to the Respondent after the final conclusion of the Ohio proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Ohio proceeding immediately upon such conclusion.**

THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET FORTH 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  
3/1/2000

  
ANTONIA C. NOVELLO, M.D., M.P.H.  
Commissioner

Inquiries should be directed to:

Robert Bogan  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Hedley Park Place  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0820

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

-----X

IN THE MATTER	STATEMENT
OF	OF
MARYCATHERINE L. KRAUSE, M.D.	CHARGES

-----X

MARYCATHERINE L. KRAUSE, M.D., the Respondent, was authorized to practice medicine in New York state on March 4, 1994, by the issuance of license number 195095 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 12, 1999, the State Medical Board of Ohio (hereinafter "Ohio Board") , by a Findings Order and Journal Entry (hereinafter "Ohio Order") suspended the Respondent's certificate to practice medicine for an indefinite period of time, based on Respondent's inability to practice medicine according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to physical deterioration that adversely affects cognitive, motor or perceptive skills.

B. The conduct resulting in the Ohio Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability);

2. New York Education Law §6530(8) (having a psychiatric condition which impairs the licensee's ability to practice); and/or

3. New York Education Law §6530(16) (failure to comply with substantial portions of federal, state, or local law, rules, or regulations governing the practice of medicine).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraph A and/or B.

#### **SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had her license to practice medicine suspended or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Feb 28*, 2000  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct