



***New York State Board for Professional Medical Conduct***

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner  
NYS Department of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

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

July 12, 2004

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

Alina Mielnick, M.D.  
2002 Hidden Valley Road  
Mena, AR 71953

Re: License No. 165865

Dear Dr. Mielnick:

Enclosed please find Modification Order #BPMC 93-32 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 19, 2004.

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 to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

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

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**IN THE MATTER**  
**OF**  
**ALINA MIELNICK, M.D.**

**APPLICATION TO**  
**MODIFY ORDER**  
**BMPC # 93-32**

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**ALINA MIELNICK, M.D.**, (Respondent) deposes and says:

That on or about April 10, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 165865 by the New York State Education Department.

My current address is 2002 Hidden Valley Road, Mena, AR 71953 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I am currently subject to BPMC Order No. 93-32, dated February 23, 1993, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued upon an Application For Consent Order signed by me on January 22, 1993, (hereinafter "January 22, 1993, Application"), adopted by the Original Order.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the paragraphs in the Original Order that state:

2. pursuant to Public Health Law Section 230-a(2)(b), beginning immediately upon the expiration of the one year term of suspension described in the preceding paragraph, my license shall be suspended wholly, except to the limited extent required to successfully complete a course of retraining consisting of a one year residency in urology. This suspension shall be stayed upon successful completion of said retraining; and

3. pursuant to Public Health Law Section 230-a(9), I shall be placed on probation, beginning upon my entry into said retraining program and continuing for a period of 24 months after successful completion of said retraining, subject to the terms and conditions enumerated in the attached Terms of Probation marked Exhibit "B".

substituting therefore:

I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

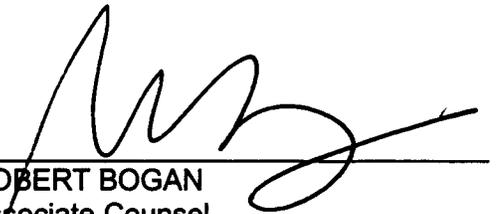
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: 6/25/04

  
ALINA MIELNICK, M.D.  
Respondent

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

DATE: 28 June 2004   
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 07 July 2004   
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

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IN THE MATTER  
OF  
ALINA MIELNICK, M.D.

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MODIFICATION  
ORDER

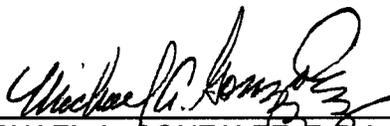
Upon the proposed Application for a Modification Order of **ALINA MIELNICK, M.D.**  
(Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to  
and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED,  
and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board,  
either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at  
the address in the attached Application or certified mail to Respondent's attorney, or upon  
transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/9/04

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional  
Medical Conduct



"Exhibit 1"

**Board for Professional Medical Conduct**

Cornin Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

March 1, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Alina Mielnick, M.D.  
166 Marcone Drive  
DeQueen, AR 71832

RE: License No. 165865  
Effective Date: 3/8/93

Dear Dr. Mielnick:

Enclosed please find Order #BPMC 93-32 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

-----X  
IN THE MATTER :  
OF : ORDER  
ALINA MIELNICK, M.D. : BPMC 93-32  
-----X

Upon the application of ALINA MIELNICK, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

ORDERED, that the application and the provisions  
thereof are hereby adopted and so ORDERED, and it is further  
ORDERED, that this order shall take effect as of the  
date of the personal service of this order upon Respondent, upon  
receipt by Respondent of this order via certified mail, or seven  
days after mailing of this order by certified mail, whichever is  
earliest.

SO ORDERED,

DATED: 23 February 1993

Charles J. Vacanti  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
ALINA MIELNICK, M.D. : CONSENT  
-----X : ORDER

STATE OF ARKANSAS )  
COUNTY OF *Sarvis* ) ss.:

ALINA MIELNICK, M.D., being duly sworn, deposes and says:  
That on or about I was licensed to practice as a physician  
in the State of New York, having been issued License No. 165865  
by the New York State Education Department.

I am not currently registered with the New York State  
Education Department to practice as a physician in the State of  
New York.

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

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

I admit guilt to the First Specification insofar as it  
pertains to paragraphs D, D.1, E, E.1, E.2 and E.3 of the  
Statement of Charges, in full satisfaction of all the charges  
against me.

I hereby agree to the penalty that:

1. Pursuant to Public Health Law Section 230-a(2)(a) my license to practice medicine shall be suspended wholly, for a period of one year beginning with the effective date of the proposed Consent Order;
2. pursuant to Public Health Law Section 230-a(2)(b), beginning immediately upon the expiration of the one year term of suspension described in the preceding paragraph, my license shall be suspended wholly, except to the limited extent required to successfully complete a course of retraining consisting of a one year residency in urology. This suspension shall be stayed upon successful completion of said retraining; and
3. pursuant to Public Health Law Section 230-a(9), I shall be placed on probation, beginning upon my entry into said retraining program and continuing for a period of 24 months after successful completion of said retraining, subject to the terms and

conditions enumerated in the attached Terms of Probation marked Exhibit "B".

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 during the pendency of the professional misconduct disciplinary proceeding; 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ALINA MIELNICK, M.D.  
RESPONDENT

Sworn to before me this  
22nd day of January, 1993.

Maureen Burrow

NOTARY PUBLIC Commission Expires 6-15-94

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
ALINA MIELNICK, M.D. : CONSENT  
: ORDER  
-----X

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

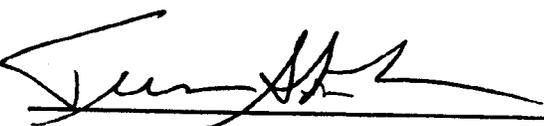
Date: 12/93

  
ALINA MIELNICK, M.D.  
RESPONDENT

Date: 1/30/93

X   
ATTORNEY FOR RESPONDENT

Date: 2/10/93

  
TERRENCE SHEEHAN  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Feb 25, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 23 February 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

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

-----X  
: IN THE MATTER :  
: OF : NOTICE  
: ALINA MIELNICK, M.D. : OF  
: : HEARING  
-----X

TO: ALINA MIELNICK, M.D.  
166 Marcone Drive  
DeQueen Arkansas 71832

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21<sup>st</sup> day of September, 1992 at 10:00 in the forenoon of that day at 5 Penn Plaza, 6th floor, New York, New York 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

Exhibit A

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 Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), 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 Section 230 (McKinney 1990 and Supp. 1992), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears 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.

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 RECOMMENDATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW Section 230-a (McKinney Supp. 1992). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York

*June 10*, 1992

  
CHRIS STERN HYMAN  
Counsel

Inquiries should be directed to: Terrence Sheehan  
Associate Counsel  
5 Penn Plaza, 6th fl.  
New York, New York

Telephone No.: (212) 613-2601

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
ALINA MIELNICK, M.D. : CHARGES  
-----X

ALINA MIELNICK, M.D., the Respondent, was authorized to practice medicine in New York State on 1986 by the issuance of license number 165865 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between on or about April 28, 1989, and on or about May 4, 1989, Respondent treated Patient A for urinary retention at Central Suffolk Hospital, Riverhead, New York (Central Suffolk). (Patient A and all other patients are identified in the attached Appendix.)
1. Respondent made a diagnosis of a bladder *p. 13* diverticulum. This diagnosis was incorrect and unwarranted.

2. Respondent failed to rule out the presence of a neurogenic bladder.
  3. On or about April 28, 1989, Respondent performed a procedure to remove a bladder diverticulum. This procedure was not indicated.
- B. Between on or about May 12, 1989 and on or about May 15, 1989, Respondent treated Patient B at Central Suffolk for a complaint of frequent urination.
1. Respondent failed to consider and rule out a diagnosis of diabetes mellitus.
  2. On or about May 12, 1989 Respondent performed a transurethral resection of the prostate gland. This procedure was not indicated.
  3. On or about May 13, 1989, Respondent ordered a fasting blood sugar to be taken the following morning. She also continued an order for an IV sugar solution. This order was improper and

resulted in unnecessary and useless laboratory tests.

4. Respondent notes in Patient B's discharge summary the existence of a semi-obstruction of the patient's prostate gland. This statement is false.

5. Respondent failed to maintain a medical record for Patient B which accurately reflects the patient history, examination, rationales for tests and treatment, test results, evaluation of test results, and discharge summary.

C. Between on or about May 16, 1989, and on or about May 24, 1989, Respondent treated Patient C for urinary retention at Central Suffolk Hospital.

1. Upon physical examination, Respondent failed to accurately estimate the size of Patient C's prostate.

2. On or about May 16, 1989, Respondent performed a retropubic prostatectomy. This procedure was not indicated.
  
  3. Respondent failed to maintain a medical record for Patient C which accurately reflects the patient history, examination, rationales for tests and treatment, operative report and progress notes.
- D. Between on or about March 3, 1988, and on or about March 7, 1988, Respondent treated Patient D for urinary retention at Central Suffolk.
1. On or about March 3, 1988, Respondent failed to pass a catheter, filiforms and follow-ups to Patient D's bladder.
- E. On or about July 3, 1989, Respondent treated Patient E for recurrent pyocystitis at Central Suffolk.
1. Respondent failed to obtain an adequate history.

2. Respondent failed to perform an adequate physical examination.
3. Respondent failed to properly diagnose Patient E's condition.
4. Respondent failed to maintain a medical record for Patient E which accurately reflects the patient history, examination and diagnosis.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**PRACTICING WITH NEGLIGENCE**

**ON MORE THAN ONE OCCASION**

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1992) in that Petitioner charges at least two of the following:

1. The facts in Paragraphs A and A.1-A.3, B and B.1-B.3, C and C.1, C.2, D and D.1, and/or E and E.1-E.3.

**SECOND SPECIFICATION**  
**PRACTICING WITH INCOMPETENCE**  
**ON MORE THAN ONE OCCASION**

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1992), in that Petitioner charges at least two of the following:

2. The facts in Paragraphs A and A.1-A.3, B and B.1-B.3, C and C.1, C.2, D and D.1, and/or E and E.1-E.3.

**THIRD THROUGH FIFTH SPECIFICATIONS**  
**FAILURE TO MAINTAIN ADEQUATE RECORDS**

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1992), in that he failed to maintain records for patients which accurately reflect the evaluation and treatment of the patients. Petitioner charges:

3. The facts in Paragraphs B and B.4, B.5.
4. The facts in Paragraphs C and C.3.
5. The facts in Paragraph E and E.4.

DATED: New York, New York

June 10, 1992



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CHRIS STERN HYMAN  
COUNSEL  
Bureau of Professional  
Medical Conduct

**EXHIBIT "B"**

**TERMS OF PROBATION**

1. ALINA MIELNICK, M.D., during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her

aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.