

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

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IN THE MATTER :
OF : ORDER
KENNETH T. STEADMAN, M.D. : BPMC #96-154

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Upon the application of KENNETH T. STEADMAN, 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: 1 July 96

Charles J. Vacanti

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

I hereby agree to the following penalty:

- a) a censure and reprimand;
- b) a permanent restriction on my license precluding any future practice of obstetrics effective as of the date of this order;
- c) one year probation with monitoring in accordance with the terms set forth in Appendix B hereto.

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.



Kenneth T. Steadman, M.D.
RESPONDENT

Sworn to before me this

11th day of July, 1970.


NOTARY PUBLIC

MARILYN A. JENSEN
Notary Public, State of New York
Qualified in Ontario Co. No. 01JE5015611
Commission Expires July 26, 1970

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

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IN THE MATTER : APPLICATION
OF : FOR
KENNETH T. STEADMAN, M.D. : CONSENT
: ORDER

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

DATE: 6/17/96 Kenneth T. Steadman
KENNETH T. STEADMAN, M.D.
Respondent

DATE: 6/13/96 Thomas G. Smith
THOMAS G. SMITH, ESQ.
Attorney for Respondent

DATE: 6/14/96 Timothy J. Mahar
TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: June 21, 1996 Anne F. Saile
ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 1 July 1996 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 : STATEMENT
OF : OF
KENNETH T. STEADMAN, M.D. : CHARGES

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KENNETH T. STEADMAN, M.D., the Respondent, was authorized to practice medicine in New York State on October 24, 1964 by the issuance of license number 093469 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. From May 28, 1992 through November 4, 1992, Respondent provided obstetrical care to Patient A (Patients are identified in Appendix A hereto) at Respondent's office, located at 324 W. North Street, Geneva, New York (hereinafter office), and at the Geneva General Hospital, Geneva, New York.

1. Respondent failed on November 1, 1992 to perform a timely Cesarean section on Patient A to deliver Patient A's fetus.

B. From June 20, 1988 through November 26, 1991, Respondent provided gynecological care to Patient B for chronic cervicitis, among other conditions, at his office and the Geneva General Hospital.

1. On November 21, 1991, Respondent performed a total abdominal hysterectomy, bilateral salpingo-oophorectomy on Patient B without sufficient medical indication for that procedure.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(3) (McKinney Supp. 1995; formerly N.Y. Educ. Law §6509[2]) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A(1), and/or B and B(1).

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(5) (McKinney Supp. 1995; formerly N.Y. Educ. Law §6509[2]) by reason of his practicing the profession of medicine with incompetence on more than one occasion, in that

Petitioner charges that Respondent committed two or more of the following:

2. The facts in Paragraphs A and A(1) and/or B and B(1).

DATED: _____, 1995

Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent will personally meet with a member of the Office of Professional Medical Conduct staff on a random basis at the discretion of the Director of the Office or designee.
2. Respondent will conform fully:
 - a. to the professional standards of conduct imposed by law and by his or her profession
 - b. with all civil and criminal laws, rules and regulations.
3. Respondent will notify the Office of Professional Medical Conduct of:
 - a. any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action;
 - b. any and all changes in personal and professional addresses and telephone numbers and facility affiliations, within 30 days of such changes. This will include any change in practice location, within or outside of the State of New York. The date of departure from the State of New York, and the date of return, if any, must be reported in writing.

Failure to notify the Office of Professional Medical Conduct of any of the above will be considered a violation of probation.

4. Respondent will maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her profession in accordance with the terms of probation. Upon receipt of evidence of non compliance 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 any such other proceeding against Respondent as may be authorized by law.

- a. Respondent shall assume and bear all costs related to compliance with the terms of probation.

In certain instances, it may be appropriate to consider tolling (holding in abeyance) a period of probation, for physicians who are not practicing in New York State.

- a. If the Respondent does not practice medicine in the State of New York, the probation period may be tolled and the period will then be extended by the length of the period outside of New York. Any terms of probation which were not fulfilled while Respondent was in New York State, must be fulfilled upon return to New York State.

6. Respondent's practice of medicine during the period of probation shall be monitored by a physician monitor ("practice monitor"), board certified in gynecology, approved in advance, in writing, by the Director of the Office of Professional Medical Conduct or designee. Respondent may not practice medicine until an approved practice monitor and monitoring program is in place. Any practice of medicine prior to the submission and approval of a proposed practice monitor will be determined to be a violation of probation.

- a. The practice monitor shall report in writing to the Director of the Office of Professional Medical Conduct or designee, on a schedule to be determined by the office. The practice monitor shall visit Respondent's medical practice at each and every location, on a random basis at least once every four months and shall examine a random (no less than 10) selection of office records maintained by Respondent and hospital charts, including patient histories, prescribing information and billing records, for patients upon whom Respondent has performed major gynecologic surgery during the previous four months. When Respondent has had less than 10 major gynecologic surgeries during a review period, all such surgeries for that period shall be reviewed. Respondent will make available to the monitor any and all records and grant access to the practice as requested by the monitor, including on-site observation. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care and shall include, but not be limited to, an opinion as to whether appropriate indications for surgery were present. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall immediately be reported to the Office of Professional Medical Conduct by the monitor.

- b. Any change in practice monitor must be approved in writing, in advance, by the Office of Professional Medical Conduct.
 - c. All expenses associated with monitoring, including fees to the monitoring physician, shall be the sole responsibility of the Respondent.
 - d. It is the responsibility of the Respondent to ensure that the reports of the practice monitor are submitted in a timely manner. A failure of the practice monitor to submit required reports on a timely basis will be considered a possible violation of the terms of probation.
 - e. Respondent must maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director or designee prior to the placement of a practice monitor.
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his 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.
8. Respondent shall assume and bear all costs related to compliance with the terms of probation.