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

March 21, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Lara Manti Hoshko, R.P.A.
2 Summer Hill Road
Simpsonville, SC 29681

Re: License No. 006162

Dear Ms. Hoshko:

Enclosed is a copy of Order #BPMC 08-41 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 28, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order. If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to: **Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

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

Enclosure
cc: Michele M. Monserrate, Esq.
O'Connor, O'Connor, Bresee, First, P.C.
20 Corporate Woods Blvd.
Albany, NY 12211

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

IN THE MATTER OF LARA MANTI HOSHKO, R.P.A.	CONSENT ORDER BPMC No. #08-41

Upon the application of (Respondent) Lara Manti Hoshko, R.P.A. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 3-20-2008

KENDRICK A. SEARS, 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 LARA MANTI HOSHKO, R.P.A.	CONSENT AGREEMENT AND ORDER

LARA MANTI HOSHKO, R.P.A., representing that all of the following statements are true, deposes and says:

That on or about January 2, 1998, I was licensed to practice as a Registered Physician Assistant in the State of New York, and issued License No. 006162 by the New York State Education Department.

My current address is 2 Summer Hill Road, Simpsonville, South Carolina 29681, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with eleven specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to specification eleven and to specification eight, as it relates to the facts in all paragraphs listed therein except for paragraphs A.1, A.4 and F, in full satisfaction of the charges against me, and agree to the following penalty:

1. My license to practice as a Registered Physician Assistant in New York State shall be suspended for twenty-four months, with the first twelve months to be served as a period of actual suspension and with the last twelve months stayed.

2. Pursuant to Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for a period of two years, subject to the terms set forth in attached Exhibit "B."

I shall be subject to a Condition that I comply with the applicable provisions of the attached Exhibit "C," "Guidelines For Closing a Medical Practice Following a Revocation, Surrender or Suspension (Of 6 Months or More) of a Physician Assistant License."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's

compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this

Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 2/18/2008

LARA MANTYHOSHKO, R.P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 2/27/08

MICHELE M. MONSERRATE, ESQ.
Attorney for Respondent

DATE: 3/7/08

VALERIE B. DONOVAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/19/08

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

Exhibit "A"

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

IN THE MATTER OF LARA MANTI HOSHKO, R.P.A.	STATEMENT OF CHARGES

LARA MANTI HOSHKO, R.P.A., Respondent, was authorized to practice as a Registered Physician Assistant in New York State on January 2, 1998, by the issuance of license number 006162 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. From around February 2004, through around June 2005, Respondent provided medical treatment to Patient A (patients are identified in Appendix A, attached hereto), a male born in 1965, for medical conditions including sinusitis, bronchitis and depression, at Mountain Medical, Gloversville, New York. Respondent's care and treatment of Patient A failed to meet acceptable standards of care in that:

1. Respondent failed to screen Patient A for suicidal ideation.
2. Respondent failed to refer and/or failed to document that she referred Patient A for psychotherapy.
3. Respondent failed to adequately monitor Patient A when she treated Patient A's depression with Lexapro.
4. Respondent began a sexual relationship with Patient A in or around the summer of 2005.
5. Respondent inappropriately advised Patient A to stop taking Lexapro.

6. Respondent inappropriately provided confidential medical information about another patient to Patient A.

B. On or around August 27, 2004, Respondent provided medical treatment to Patient B, a diabetic male born in 1916, at Nathan Littauer Hospital, Gloversville, New York. Respondent's care and treatment of Patient B failed to meet acceptable standards of care in that:

1. Respondent inappropriately ordered units of regular insulin and/or Glucotrol for Patient B.
2. Respondent failed to order appropriate monitoring of Patient B's blood glucose.

C. In or around July 2004, Respondent provided medical treatment to Patient C, a male born in 1965, who presented to the Emergency Department of Nathan Littauer Hospital with severe epigastric pain and nausea. Respondent's care and treatment of Patient C failed to meet acceptable standards of care in that:

1. On or around July 19 and July 20, 2004, Respondent failed to examine Patient C and/or write progress notes for Patient C.
2. Respondent failed to examine Patient C prior to discharging him from the hospital and/or failed to provide adequate discharge instructions to Patient C.

D. In or around March 2005, Respondent provided medical treatment to Patient D, a female born in 1956, who presented to the Emergency Department of Nathan Littauer Hospital with a multi-day history of abdominal pain and diarrhea. Respondent's care and treatment of Patient D failed to meet acceptable standards of care in that Respondent failed to adequately evaluate Patient D and/or failed to consult appropriate specialists.

E. In or around August 2004, Respondent provided medical treatment to Patient E, a male born in 1988, who presented to the Emergency Department of Nathan Littauer Hospital with a neck injury. Respondent's care and treatment of Patient

E failed to meet acceptable standards of care in that Respondent failed to identify a fracture on x-ray films.

F. In or around July 2004, Respondent provided medical treatment to Patient F, a male born in 1956, who presented to the Emergency Department of Nathan Littauer Hospital with a six day history of fever and nausea. Respondent's care and treatment of Patient F failed to meet acceptable standards of care in that Respondent performed an incomplete medical evaluation of Patient F and/or failed to obtain urine and blood cultures from Patient F.

G. In or around September 27, 2005, Respondent provided medical treatment to Patient G a male born in 1994, who presented to the Emergency Department of Nathan Littauer Hospital with an ankle and foot injury. Respondent's care and treatment of Patient G failed to meet acceptable standards of care in that Respondent failed to examine Patient G's knee and/or failed to document that she examined Patient G's knee.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION
MORAL UNFITNESS

Respondent is charged with professional misconduct by reason of her committing conduct in the practice of medicine that evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20), in that Petitioner charges:

1. The facts in paragraphs A and A.4.

SECOND THROUGH FOURTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the following:

2. The facts in paragraphs B and B.1 and B and B.2.
3. The facts in paragraphs C and C.1 and C and C.2.
4. The facts in paragraph D.

FIFTH THROUGH SEVENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the following:

5. The facts in paragraphs B and B.1 and B and B.2.
6. The facts in paragraphs C and C.1 and C and C.2.
7. The facts in paragraph D.

EIGHTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his practicing medicine with negligence on more than one occasion in violation of New York Education Law § 6530(3) as alleged in the following:

8. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, B and B.1, B and B.2, C and C.1, C and C.2, D, E, F and/or G.

NINTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his practicing medicine with incompetence on more than one occasion in violation of New York Education Law § 6530(5) as alleged in the following:

9. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, B and B.1, B and B.2, C and C.1, C and C.2, D, E, F and/or G.

TENTH SPECIFICATION

REVEALING PERSONALLY IDENTIFYING INFORMATION WITHOUT THE PATIENT'S CONSENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(23) by revealing personally identifiable information obtained in a professional capacity without the prior consent of the patient, as alleged in the following:

10. The facts in paragraphs A and A.6.

ELEVENTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the following:

11. The facts in paragraphs A and A.2, C and C.1 and G.

DATED: March 6, 2008
Albany, New York

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

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).

2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.

3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.

4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.

5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].

6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 90 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

9. Respondent shall enroll in and complete 50 hours of continuing medical education programs in the area of diabetes management, orthopedics, radiology, to be completed within the first year of probation. Respondent shall enroll in and complete a course in boundary violations within the first three months of probation period. These continuing education programs are subject to the Director of OPMC's prior written approval.

10. Respondent shall provide medical services in New York State only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.

    a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

    b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

    c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.

11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

EXHIBIT "C"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A PHYSICIAN ASSISTANT LICENSE

1. Respondent shall immediately cease the performance of medical services in compliance with the terms of the Consent Order. Respondent shall not represent herself as eligible to practice and shall refrain from providing an opinion as to professional practice or its application.

2. Within 15 days of the Consent Order's effective date, Respondent shall notify all patients that she has ceased providing medical services, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.

3. Within 30 days of the Consent Order's effective date, Respondent shall have her original license to practice as a Registered Physician Assistant in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.

4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and, for minors, at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.

5. Within 15 days of the Consent Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.

6. Within 15 days of the Consent Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Consent Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice as a Registered Physician Assistant, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by herself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Consent Order's effective date.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Consent Order, Respondent shall, within 90 days of the Consent Order's effective date, divest herself of all financial interest in such professional services corporation in accordance with N.Y. Bus. Corp. Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Consent Order's effective date.

10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four years, under N.Y. Educ. Law § 6512 . Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to $10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.