



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

March 13, 1991

Stanley Swiatek, Physician  
1952 Clinton Street  
Buffalo, N.Y. 14206

Re: License No. 042299

Dear Dr. Swiatek:

Enclosed please find Commissioner's Order No. 11718. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

GUSTAVE MARTINE  
Supervisor

DJK/GM/er  
Enclosures

CERTIFIED MAIL- RRR

cc: Joseph V. McCarthy, Esq.  
1620 Liberty Bldg., 420 Main Street  
Buffalo, N.Y. 14202

**RECEIVED**

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Office of Professional  
Medical Council

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

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IN THE MATTER

OF

STANLEY SWIATEK, M.D.

: APPLICATION TO

: SURRENDER

: LICENSE  
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STATE OF NEW YORK)

ss.:

COUNTY OF ERIE)

STANLEY SWIATEK, M.D., being duly sworn, deposes and says:

On or about April 8, 1944, I was licensed to practice as a physician in the State of New York having been issued License No. 042299 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1989 through December 31, 1991 from 9 Pontiac Street, Buffalo, New York 14206.

I understand that I have been charged with Seven Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof and marked as Exhibit "A".

I am applying to the Board of Regents for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the allegations in the Second

through Seventh Specifications regarding failure to maintain accurate records.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Stanley Swiatek MD  
STANLEY SWIATEK, M.D.  
Respondent

Sworn to before me this  
14 day of Dec, 1990

Joseph V. McCarthy

NOTARY PUBLIC

JOSEPH V. McCARTHY  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires September 30, 1992

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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
STANLEY SWIATEK, M.D. : LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender license.

Date: Dec 14, 1990

Stanley Swiatek MD.

STANLEY SWIATEK, M.D.  
Respondent

Date: Dec 14, 1990

Joseph M. McCarthy

JOSEPH McCARTHY, ESQ.  
Attorney for Respondent

Date: December 28 1990

John J. Buley

MEMBER, State Board for  
Professional Medical Conduct

Date: Dec. 20, 1990

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

STANLEY SWIATEK, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

Date: October 1, 1990

David Axelrod  
DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: Jan. 18, 1991

J. Edward Dwyer  
MEMBER OF THE BOARD OF REGENTS

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

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IN THE MATTER : STATEMENT  
OF : OF  
STANLEY SWIATEK, M.D. : CHARGES

-----X

STANLEY SWIATEK, M.D., the Respondent, was authorized to practice medicine in New York State on April 8, 1944, by the issuance of license number 042299 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989, through December 31, 1991, from 9 Pontiac Street, Buffalo, New York 14206.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A, a 67 year old female (Patient A and all other patients are identified in Appendix A) at his office at 1952 Clinton Street, Buffalo, New York (hereinafter "his office") from approximately November 25, 1985 through approximately February 24, 1986.

1. Respondent failed to adequately evaluate Patient A's abdominal condition despite Patient A's weight loss and gastrointestinal complaints.

2. Respondent failed to make a diagnosis regarding Patient A's abdominal condition despite Patient A's weight loss and gastrointestinal complaints.
3. Respondent failed to obtain an adequate medical history.
4. Respondent failed to document an adequate medical history.
5. Respondent failed to perform an adequate physical examination.
6. Respondent failed to document an adequate physical examination.

B. Respondent provided medical care to Patient B, a 20 year old male, at his office from approximately November 16, 1988, through approximately December 9, 1988. This treatment followed Patient B's treatment at the Emergency Room of Erie County Medical Center resulting from a motor vehicle accident.

1. Respondent failed to obtain an adequate history.
2. Respondent failed to document an adequate history.
3. Respondent failed to perform an adequate physical examination including but not limited to evaluation of the optic fundi and a neurological evaluation.
4. Respondent failed to document an adequate physical examination including but not limited to evaluation of the optic fundi and a neurological evaluation.
5. Respondent failed to document how he reached his diagnosis of cerebral concussion on November 18, 1988.

C. Respondent provided medical care to Patient C, a 20 year old female, at his office from approximately April 27, 1987, through approximately December 9, 1988, for complaints relating to nasal congestion and a sore throat.

1. Respondent improperly prescribed Cortisporin Otic Solution for treatment of otitis media on December 9, 1988.
2. Respondent failed to order a throat culture in support of his diagnosis of strep infection on December 9, 1988.
3. Respondent failed to document a throat culture in support of his diagnosis of strep infection on December 9, 1988.

D. Respondent provided medical care to Patient D, a 68 year old male, in his office from approximately May 5, 1980, through approximately November 21, 1988, for various complaints including diabetes and hypertension.

1. Respondent failed to obtain an adequate history.
2. Respondent failed to document an adequate history.
3. Respondent failed to perform an adequate physical examination.
4. Respondent failed to document an adequate physical examination.
5. Respondent failed to order the results of appropriate lab tests including but not limited to an EKG, electrolyte and renal function tests given Patient D's hypertension.
6. Respondent failed to document the results of appropriate lab tests including but not limited to an EKG, electrolyte and renal function tests given Patient D's hypertension.
7. Respondent failed to obtain a non fasting blood sugar rather than a fasting blood sugar to evaluate Patient D's diabetes.
8. Respondent failed to prescribe a diabetic diet.

9. Respondent prescribed Dimetapp, a hay fever medication, without monitoring Patient D's blood pressure despite the fact that such medication can increase a patient's blood pressure.

E. Respondent provided medical care to Patient E, a 61 year old male, at his office from approximately 1978 to December 1988 for heart problems.

1. Respondent failed to obtain an adequate history.
2. Respondent failed to document an adequate history.
3. Respondent failed to perform an adequate physical examination.
4. Respondent failed to document an adequate physical examination.
5. Respondent failed to appropriately evaluate Patient E's peripheral circulation despite Patient E's intermittent atrial fibrillation.

F. Respondent provided medical care to Patient F, a 75 year old female, at his office from approximately June 30, 1982, through approximately June 27, 1984, for various complaints including arthritis and hypertension.

1. Respondent failed to obtain an adequate history.
2. Respondent failed to document an adequate history.
3. Respondent failed to perform an adequate physical examination.
4. Respondent failed to document an adequate physical examination.
5. Respondent failed to maintain records regarding the prescriptions he wrote and dispensed to Patient F in her home.

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN  
ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6509(2) (McKinney 1985) in that Petitioner charges that Respondent has committed at least two or more of the following:

1. The facts in Paragraphs A and A1, A2, A3, A5, B and B1, B3, C and C1, C2, D and D1, D3, D5, D7, D8, D9, E and E1, E3, E5, F and F1, F3.

SECOND THROUGH SEVENTH SPECIFICATIONS

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with committing unprofessional conduct within the meaning of N.Y. Educ. Law §6509(9) (McKinney 1985) and 8 NYCRR §29.2(a)(3) (1987) by his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

2. The facts in Paragraphs A and A4 and/or A6.
3. The facts in Paragraphs B and B2, B4 and/or B5.
4. The facts in Paragraphs C and C3.
5. The facts in Paragraphs D and D2, D4 and/or D6.
6. The facts in Paragraphs E and E2 and/or E4.
7. The facts in Paragraphs F and F2, F4 and/or F5.

DATED: Albany, New York

*October 1, 1990*

*Peter D. Van Buren*

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

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**STANLEY SWIATEK**

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**CALENDAR NO. 11718**



# The University of the State of New York

IN THE MATTER

OF

**STANLEY SWIATEK**  
(Physician)

**DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 11718**

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Upon the application of STANLEY SWIATEK, under Calendar No. 11718, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (February 21, 1991):** That the application of STANLEY SWIATEK, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

**ORDERED** that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

**ORDERED** that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

STANLEY SWIATEK (11718)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 4<sup>th</sup> day of

March, 1991.

*Thomas Sobol*

Commissioner of Education