



New York State Board for Professional Medical Conduct

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

Kendrick A. Sears, M.D.
Chair

Keith W. Servis, Director
Office of Professional Medical Conduct

Public

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

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

March 19, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Amy Louise Earshen, M.D.
401 Geyser Road
Saratoga, NY 12866

Re: License No. 236900

Dear Dr. Earshen:

Enclosed is a copy of Order #BPMC 07-59 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 26, 2007.

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

Sincerely,

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

Board for Professional Medical Conduct

Enclosure

cc: Carolyn Shearer, Esq.
Bond, Schoenick & King, PLLC
111 Washington Avenue
Albany, NY 12210-2211

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

**IN THE MATTER
OF
AMY LOUISE EARSHEN, M.D.**

**CONSENT
ORDER**

BPMC No. #07-59

Upon the application of AMY LOUISE EARSHEN, M.D. 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: 3-16-07


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
AMY LOUISE EARSHEN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

AMY LOUISE EARSHEN, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 8, 2005, I was licensed to practice as a physician in the State of New York, and issued License No. 236900 by the New York State Education Department.

My current address is 401 Geysers Road, Saratoga Springs, New York 12866, 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 one specification of professional misconduct.

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

I do not contest the single charge of Failing to Maintain a Record for Each Patient Which Accurately Reflects the Evaluation and Treatment of the Patient, in violation of N.Y. Education Law Section 6530(32), in full satisfaction of the charge against me, and agree to the following penalty:

Censure and Reprimand.

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 2-27-07



AMY EARSHEN, M.D.
RESPONDENT


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

DATE: 3/1/07



Carolyn Shearer, Esq.
Attorney for Respondent

DATE: 3/5/07



Joel E. Abelove, Esq.
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/15/07



Keith W. Servis
Director
Office of Professional Medical Conduct

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

EXHIBIT A

IN THE MATTER
OF
AMY LOUISE EARSHEN, M.D.

STATEMENT
OF
CHARGES

AMY LOUISE EARSHEN, M.D., Respondent, a psychiatrist, was authorized to practice medicine in New York State on July 8, 2005, by the issuance of license number 236900 by the New York State Education Department, with a current registration address of 401 Geysers Road, Saratoga Springs, New York 12866.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A on December 5, 2005, at Saratoga Hospital. Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in that:
1. Respondent was contacted by the nursing staff at 1740 hours on December 5, 2005, regarding Patient A, who had been placed in seclusion due to escalating aggressive behavior.
 2. Respondent issued telephone orders for treatment of Patient A, and advised the nurse that she would be delayed in presenting to the hospital.
 3. Respondent was present on the unit at or about 1920 hours on December 5, 2005.

4. Respondent documented a progress note in Patient A's medical record dated and timed December 5, 2005, at 1845 hours. Respondent did not accurately document her failure to appear at the Hospital within 30 minutes of having been paged.

SPECIFICATIONS

FIRST SPECIFICATION

**FAILING TO MAINTAIN A RECORD FOR EACH PATIENT WHICH ACCURATELY
REFLECTS THE EVALUATION AND TREATMENT OF THE PATIENT**

Respondent is charged with Failing to Maintain a Record for a Patient Which Accurately Reflects the Evaluation and Treatment of the Patient, in violation of N.Y. Education Law § 6530(32), in that Petitioner charges the following:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4.

DATED: *March 5*, 2007
Albany, New York

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