

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROFESSORIAL
JUN 6 2 35 PM '00
OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :
vs. : Docket No. 0107-49-00
: File No. 00-49-00201
: Andrew J. Cracker, M.D., :
Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.
2. At all relevant and material times, Andrew J. Cracker, M.D. ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license number MD-042234-L.
3. Respondent admits that the following facts are true:
 - a. Respondent's license expired on December 31, 1992 but may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's last known address on file with the Board is 3 Queen Anne Drive, Edenton, NC 27932; however, the Commonwealth has received information that Respondent's current address is 120 and 124 Maple Drive, Chapel Hill, NC 27514.

c. On or about April 19, 1999, the Florida Department of Health before the Board of Medicine charged Respondent with failure to practice medicine with a level of care and treatment which meets acceptable standards of care in that he failed to properly interpret an initial radiograph, causing his patient to undergo additional surgery for removal of sponges.

d. On or about October 19, 1999, the Florida Board of Medicine fined Respondent \$500.00 and ordered him to complete 10 hours of continuing medical education in the area of risk management.

e. Respondent has satisfactorily completed the 10 hours of continuing medical education required by the Florida Board of Medicine. A true and correct copy of the certificates of completion is attached and incorporated herein by reference as **Exhibit 1**.

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(4) in that he has had disciplinary action taken against his license by a proper licensing authority of another state.

5. The participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(4) in that he has had disciplinary action taken against his license by a proper licensing authority of another state.

b. Respondent shall pay a **CIVIL PENALTY** of five hundred dollars (\$500.00) by cashier's check, certified check, U.S. Postal money order or attorney's

check, made payable to "Commonwealth of Pennsylvania." Respondent shall return the full civil penalty with the signed Consent Agreement.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; the right to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.


7. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

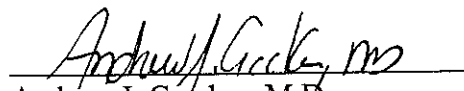
9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

10. This agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

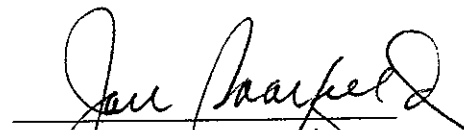
11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


Anita P. Shekletski
Prosecuting Attorney
Bureau of Professional and
Occupational Affairs

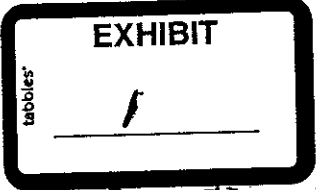
DATED: 5/9/00


Andrew J. Cracker, M.D.
Respondent

DATED:


John R. Saalfeld, Esquire
Respondent's Attorney

DATED: 5/8/00



CHILDBIRTH INJURY AND THE LAW III

APRIL 10-12, 2000
SHERATON COLONY SQUARE HOTEL
ATLANTA, GEORGIA

THIS IS TO CERTIFY THAT

ANDREW J. E. CRACKER, MD

HAS ATTENDED CHILDBIRTH INJURY AND THE LAW III AND HAS FULFILLED THE REQUIREMENTS FOR:

17.0
(Category 1 credit hours)

MEDICAL INTELLIGENCE CORPORATION IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION (ACCME) AS A PROVIDER OF CONTINUING MEDICAL EDUCATION FOR PHYSICIANS. MIC HAS DESIGNATED THIS CONTINUING MEDICAL EDUCATION ACTIVITY FOR UP TO 17.0 CREDIT HOURS IN CATEGORY 1 OF THE PHYSICIAN'S RECOGNITION AWARD OF THE AMERICAN MEDICAL ASSOCIATION.

MEDICAL INTELLIGENCE CORPORATION HAS VERIFIED THE ATTENDANCE AND RECORDED THE ABOVE-SPECIFIED HOURS OF CATEGORY 1 CREDIT FOR THIS PARTICIPANT.

Certified By:

Margaret Miller
MEDICAL INTELLIGENCE CORPORATION
959 EAST WALNUT STREET, SUITE 285
PASADENA, CALIFORNIA 91106

(THIS CERTIFICATE MUST BE RETAINED BY THE LICENSEE FOR A PERIOD OF 4 YEARS.)

ORDER

AND NOW, this 23rd day of May, 2000, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



Dorothy Childress
Commissioner

STATE BOARD OF MEDICINE



Charles D. Hummer, Jr., M.D.
Chairman

For the Commonwealth:

Anita P. Shekletski, Esquire
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

John R. Saalfeld, Esquire
1000 First Union Tower
225 Water Street
Jacksonville, FL 32202-4458

smd