



DEPARTMENT OF HEALTH & HUMAN SERVICES

M33097

New York District

Food & Drug Administration  
850 Third Avenue  
Brooklyn, NY 11232

**WARNING LETTER**

January 6, 2000

REF: NYK-2000-24

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Martin J. Van Dyne, M.D.  
North Fork Radiology, P.C.  
1333 Roanoke Avenue  
Riverhead, New York 11901

Facility ID: 151993

Dear Dr. Van Dyne:

Your facility was inspected on December 22, 1999 by a representative of the Suffolk County Dept. of Health Services, acting in behalf of the Food and Drug Administration (FDA). This inspection revealed a serious regulatory problem involving the mammography at your facility.

Under a United States Federal law, the Mammography Quality Standards Act of 1992, your facility must meet specific requirements for mammography. These requirements help protect the health of women by assuring that a facility can perform quality mammography. The inspection revealed the following Level 1 finding at your facility:

***Phantom QC records were missing for 4 weeks for the [REDACTED] mammography unit #2 in Room 1 (weeks of 6/25, 7/30, 8/13, and 9/3/99).***

The specific problem noted above appeared on your MQSA Facility Inspection Report which was issued to your facility at the close of the inspection. This problem is identified as Level 1 because it identifies failures to meet significant MQSA requirements.

Because this condition may be symptomatic of serious underlying problems that could compromise the quality of mammography at your facility, it represents a violation of the law which may result in FDA taking regulatory action without further notice to you. These actions include, but are not limited to, placing your facility under a Directed Plan of Correction, charging your facility for the cost of on-site monitoring, assessing civil money penalties up to \$10,000 for each failure to substantially comply with, or each day of failure to substantially comply with, MQSA standards, suspension or revocation of your facility's FDA certificate, or obtaining a court injunction against further mammography.

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In addition, your response should address the Level 2 findings that were listed on the inspection report provided at the close of the inspection. The Level 2 findings are:

- 1. Phantom QC records were missing for 2 weeks for the [REDACTED] unit #3 in Room 2 (8/13 and 9/3/99);**
- 2. The processing speed was less than 80 (actually 74) for standard processing;**
- 3. There is no written procedure for infection control; and**
- 4. Three of six randomly reviewed medical reports did not contain an assessment category.**

It is necessary for you to act on these matters immediately. Please explain to this office in writing within fifteen (15) working days from the date you received this letter:

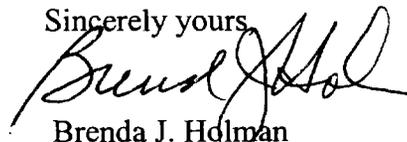
- The specific steps you have taken to correct the violations noted in this letter;
- Each step your facility is taking to prevent the recurrence of similar violations; and
- Sample records that demonstrate proper record keeping procedures and correction.

Please submit your response to the attention of Lillian C. Aveta, Compliance Officer, U.S. Food and Drug Administration, 850 Third Avenue, Brooklyn, New York 11232, Tel. (718) 340-7000, ext. 5142.

Finally, you should understand there are many FDA requirements pertaining to mammography. This letter pertains only to findings of our inspection and does not necessarily address other obligations you have under the law. You may obtain general information about all of FDA's requirements for mammography facilities by contacting the Mammography Quality Assurance Program, Food and Drug Administration, P.O. Box 6057, Columbia, Maryland 21045-6057 (1-800-838-7715), or through the Internet at <http://www.fda.gov/cdrh/dmqrp.html>.

If you have any questions about mammography facility requirements in general, please feel free to contact Murray L. Kurzman, Radiation Programs Manager, at (516) 921-2035.

Sincerely yours,



Brenda J. Holman  
District Director