



DEPARTMENT OF HEALTH & HUMAN SERVICES

New York District

Food & Drug Administration  
300 Pearl Street, Suite 100  
Buffalo, NY 14202

WARNING LETTER NYK 2001-16

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

November 8, 2000

Walter Ludwig  
Vice President and Chief Operating Officer  
Degraff Memorial Hospital  
445 Tremont Street  
North Tonawanda, NY 14120

Facility ID: 157362

Dear Mr. Ludwig:

Your facility was inspected on November 2, 2000 by a representative of the New York State Department of Health, 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 Repeat Level 2 finding at your facility:

- ***Two of ten random reports reviewed did not contain an assessment category for the Degraff Memorial Hospital site.***

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 Repeat Level 2 because it represents either a failure to correct or a recurrence of a problem detected in your last annual MQSA inspection. If you have a Repeat Level 2 finding, the FDA may reinspect your facility without advance notice to verify corrective action(s).

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.

Degraff Memorial Hospital  
Warning Letter NYK 2001-16  
Page 2

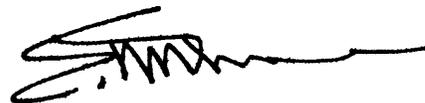
It is necessary for you to act on these matters immediately. Please explain to this office in writing within fifteen (15) working days from the date you receive this letter:

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

Please submit your response to the attention of Patricia A. Clark, Compliance Officer, U.S. Food and Drug Administration, 300 Pearl Street, Suite 100, Buffalo, New York 14202, Telephone 716-551-4461, ext. 3165.

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, Telephone 1-800-838-7715, or through the Internet at <http://www.fda.gov>.

Sincerely yours,



Edward W. Thomas  
Acting District Director  
New York District

Degraff Memorial Hospital  
Warning Letter NYK 2001-16  
Page 3

cc: Priscilla F. Butler, M.S.  
Director, Breast Imaging Accreditation Programs  
Standards and Accreditation Department  
American College of Radiology  
1891 Preston White Drive  
Reston, VA 22091

cc: Gerald O'Connor  
New York State Dept. of Health  
Flanigan Square, Room 530  
547 River Street  
Troy, NY 12180

cc: Robert P. Snyder  
New York State Dept. of Health BERP  
42 S. Washington Street  
Rochester, NY 14608-2099