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

IN THE MATTER OF CAPITAL REGION LASER EYE CARE, P.C.	CONSENT AGREEMENT AND ORDER BPMC No. 03-284

PUBLIC

The Respondent, Capital Region Laser Eye Care, P.C., says:

The Respondent is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on February 18, 1997 to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the

Respondent's certificate of incorporation, and the Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent acknowledges that it has been charged with professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the First Specification of the Statement of Charges in full satisfaction of all such allegations and specifications.

The Respondent agrees that, in the event the State Board for Professional Medical Conduct agrees with its proposal, this Consent Agreement and Order shall be issued revoking its certificate of incorporation. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation. The Respondent agrees, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties.

In addition, the Respondent agrees that this Consent Agreement and Order shall

be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Consent Agreement and Order to it in care of its attorney, Peter J. Millock, Nixon Peabody LLP, 30 South Pearl Street, Albany, NY 12207, or upon transmission via facsimile to its attorney at (518) 427-2666, whichever is earliest.

The Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Consent Agreement and Order by providing written responses, attending meetings or providing documentation concerning verification of its compliance with the terms of this Consent Agreement and Order.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

The Respondent acknowledges that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for

Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

The Respondent is making this application of its own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to it of the acceptance by the Board of this application allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives any right it may have to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which it hereby applies and the Respondent asks that the application be granted.

The Respondent is making this application through its sole shareholder, Robert M. Webb, M.D., and the Respondent and Robert M. Webb, M.D., warrant that he has the necessary corporate authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of the Respondent's certificate of incorporation.

Date: 9/25, 2003

Capital Region Laser Eye Care, P.C.

By: Robert M. Webb

Robert M. Webb, M.D.

State of NEW YORK)

ss.:

County of ALBANY)

On the 25th day of September 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared, Robert M. Webb, M.D., personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity as sole shareholder of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the Board of Directors of said corporation, and that by his signature on the instrument, the individual or the entity upon behalf of which the individual acted, executed the instrument.

Kathy J. Deyo
Notary Public

KATHY J. DEYO
NOTARY PUBLIC, State of New York
Qualified in Albany County
Commission Expires Dec. 31, 2006

AGREED TO:

Date: Sept. 25, 2003

Peter J. Millock
Nixon Peabody LLP
30 South Pearl Street
Albany, NY 12207
Fax (518) 427-2666
Attorney for Respondent

Date: October 6, 2003

Richard J. Zahnleuter, Esq.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: October 23, 2003

Dennis J. Graziano
Director, Office of
Professional Medical Conduct

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

IN THE MATTER OF CAPITAL REGION LASER EYE CARE, P.C.	ORDER

Upon the proposed Consent Agreement and Order of Capital Region Laser Eye Care, P.C., which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the Respondent's certificate of incorporation, which was filed by the Department of State on February 18, 1997, is hereby revoked such that the revocation shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation.

ORDERED, that the proposed agreement and the provisions thereof, including the Appendix to this Order, are hereby adopted; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to the Respondent's attorney at the address set forth in this agreement or upon transmission via facsimile, whichever is earliest.

DATED: 10/29/03

MICHAEL GONZALEZ, R.P.A.
Vice Chair
Board for Professional Medical Conduct

EXHIBIT A

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

IN THE MATTER OF CAPITAL REGION LASER EYE CARE, P.C.	STATEMENT OF CHARGES

The Respondent, Capital Regional Laser Eye Care, P.C., is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Secretary of State on February 18, 1997 to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

ALLEGATIONS

A. A professional service corporation may be organized by one or more individuals who are duly authorized by law to render the same professional service, pursuant to § 1503(a) of the New York Business Corporation Law.

B. On February 18, 1997, when the Secretary of State filed the Respondent's certificate of incorporation, M.D. #1 was an individual who was duly authorized by law to practice medicine.

C. M.D. #1 was the Respondent's original shareholder, director and officer, and M.D. #1 has continuously remained the Respondent's sole shareholder, director and officer from February 18, 1997 to the present.

D. Upon information and belief based on representations by M.D. #1, the Respondent has never transacted any business, obtained a federal taxpayer identification number, or filed any tax return.

E. Also, upon information and belief based on representations by M.D. #1, M.D. #1 practiced medicine at a site at 12 Corporate Woods Blvd., in Albany, New York, 12211, but, upon information and belief, the Respondent practiced medicine without the knowledge of M.D. #1 at the same site of 12 Corporate Woods Blvd., Albany, New York, 12211.

F. The Respondent did not post conspicuously at the site of its practice at 12 Corporate Woods Boulevard, Albany, NY 12211, the name and licensure field of its sole shareholder, director and officer.

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION

The Respondent is charged with professional misconduct by reason of FAILING TO POST CONSPICUOUSLY AT THE SITE OF ITS PROFESSIONAL MEDICAL PRACTICE THE NAME AND LICENSURE FIELD OF ALL OF THE PRINCIPAL PROFESSIONAL LICENSEES ENGAGED IN THE PRACTICE AT THAT SITE (I.E., PRINCIPAL PARTNERS, OFFICERS AND PRINCIPAL SHAREHOLDERS), in violation of New York Education Law §6530(39), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, E, and F.

DATED: October 8, 2003
Albany, New York

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