



file

Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

October 5, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Amelita Antonio, M.D.
80 Walworth Avenue
Scarsdale, New York 10583-1139

RE: License No. 156980
Effective Date: 10/12/93

Dear Dr. Antonio:

Enclosed please find Order #BPMC 93-157 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

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

-----X

IN THE MATTER :

OF :

AMELITA ANTONIO, M.D. :

ORDER

BPMC 93-157

-----X

Upon the application of AMELITA ANTONIO, M.D.

(Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED:

1 October 1993

Charles J. Vacanti

Charles J. Vacanti, M.D.

Chairperson

State Board for Professional

Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
AMELITA ANTONIO, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF *Westchester*) ss.:

AMELITA ANTONIO, M.D., being duly sworn, deposes and says:

1. I was authorized to practice medicine in New York State on December 19, 1983, by the issuance of license number 156980 by the New York State Education Department.
2. I am currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 80 Walworth Avenue, Scarsdale, New York 10583-1139.
3. I understand that the New York State Board for Professional Medical Conduct [hereafter "Board"] has charged me with one specification of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

4. I hereby admit guilt to the one specification of professional misconduct set forth in the Statement of Charges.

5. I hereby agree to the following penalties:
 - (a) Suspension of my license to practice medicine in New York State for a period of two years. Said suspension is to be stayed, and I will be on probation during the period of said suspension under the terms of probation set forth in Exhibit B, which is attached to this Application.

 - (b) A fine of ten thousand dollars (\$10,000.00), to be paid in accordance with the terms set forth in Exhibit B.

6. I hereby make this Application to the Board and request that it be granted.

7. I understand that, in the event this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional

misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

8. I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. .
9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Amelita Antonio

AMELITA ANTONIO, M.D.
RESPONDENT

Sworn to before me this
17th day of September 1993.

Anthony Z. Scher

NOTARY PUBLIC

ANTHONY Z. SCHER
Notary Public, State of New York
No. 4840923
Qualified in Westchester County
Commission Expires February 28, 1994

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
AMELITA ANTONIO, M.D. :
: ORDER
-----X

The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 9/17/93

Amelita Antonio
AMELITA ANTONIO, M.D.
RESPONDENT

Date: 9/17/93

Anthony Z. Scher
ANTHONY Z. SCHER, ESQ.
ATTORNEY FOR RESPONDENT

Date: 9/28/93

Cindy M. Fascia
CINDY M. FASCIA
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Oct. 1, 1993

Kathleen Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 1 October 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT B

TERMS OF PROBATION

AMELITA ANTONIO, M.D.

1. Respondent during the period of probation shall conduct herself in all ways in a manner befitting her professional status and shall conform fully to the ethical and professional standards imposed by law and her profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of Probation, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall pay the ten thousand dollar fine imposed upon her. Said fine is to be paid in eight equal installments of one thousand two hundred fifty dollars each, during the two year period of probation. Said installments are to be paid by certified check payable to the New York State Department of Health and directed to the following address: Fiscal Management Group, Bureau of Accounts Management, Room 1245, Corning Tower Building, Empire State Plaza, Albany, New York 12237-0016. Said installments shall be due as follows: the first installment of one thousand two hundred fifty dollars shall be paid no later than three months from the effective date of the Order of the Chairperson of the Board issued pursuant to this Application. The second installment shall be paid no later than six months from the effective date of

said Order. The third installment shall be paid no later than nine months from the effective date of said Order, and fourth installment shall be paid no later than twelve months from the effective date of said Order. The remaining four installments shall be paid in the same manner, with the fifth payment no later than fifteen months from the effective date, the sixth no later than eighteen months from the effective date, the seventh no later than twenty-one months from the effective date, and the eighth no later than twenty-four months from the effective date. Respondent's failure to pay any such installment as set forth above shall be considered a violation of the terms of probation and may be prosecuted accordingly, even after expiration of the two year period of probation. Respondent may prepay any installment, but said prepayment will not affect the Respondent's obligation to pay any remaining installments as due in the manner set forth. If Respondent fails to pay a part or all of any installment of the fine, then, at the Department's option, the entire unpaid balance of the fine shall be due and payable immediately upon demand by the Department. Any fine not paid shall be subject to all provisions of law relating to debt collection by the State of New York.

6. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
7. Respondent, so long as there is full compliance with every term herein, may practice her profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.
8. Respondent shall make quarterly visits, as requested, to be interviewed by an employee or employees of the Office of Professional Medical Conduct, regarding Respondent's compliance with the terms and conditions of her probation. Said interviewers will be designated by the Director of the Office of Professional Conduct, and may include a Medical Coordinator or other physician, at the discretion of the Director.

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: AMELITA ANTONIO, M.D. : PROCEEDING
: :
-----X

TO: AMELITA ANTONIO, M.D.
80 Walworth Avenue
Scarsdale, New York 10583-1139

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the day of at o'clock in the noon of that day at Corning Tower Building, Room 2509, Empire State Plaza, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before _____, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before _____, 1993 and a copy of all papers must be served on the same date on the Department of

Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE
TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR
IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE

URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATED: Albany, New York
, 1993

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

Inquiries should be addressed to:

Cindy M. Fascia
Associate Counsel
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
AMELITA ANTONIO, M.D. : CHARGES

-----X

AMELITA ANTONIO, M.D., the Respondent, was authorized to practice medicine in New York State on December 19, 1983, by the issuance of license number 156980 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993, through December 31, 1994 from 80 Walworth Avenue, Scarsdale, New York 10583-1139.

FACTUAL ALLEGATIONS

A. Respondent, on or about February 28, 1992, entered into a plea agreement with the United States Attorney's Office for the District of Connecticut in resolution of the case of United States of America vs. Amelita Antonio, M.D. By the terms of the plea agreement, Respondent agreed to plead guilty to count one of a substitute information charging her with causing a false statement to be made in a claim for a Medicare payment, in

violation of Title 42, United States Code, Section 1320a-7b(a)(1)(ii). In accordance with the plea agreement, the Government agreed to dismissal of the pending Indictment against the Respondent. Pursuant to the plea agreement, on or about January 19, 1993, in the United States District Court, District of Connecticut, Respondent was found guilty of the one count of causing a false statement to be made in a claim for medicare payment, in violation of the aforementioned federal statute.

Respondent was sentenced by the Hon. Warren W. Eginton, Senior United States District Judge, to a prison term of twelve months. Execution of the sentence of imprisonment was suspended, and Respondent was placed on probation for three years. The terms of Respondent's probation included the following special terms: that Respondent shall file timely and lawful Federal Income Tax returns, and shall provide a copy to the Probation Office within ten days of filing; and that Respondent is to pay all back taxes due and owing during the period of probation. Respondent was also required to pay a \$10,000.00 fine during the period of her probation.

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(a)(ii) (McKinney Supp. 1993) by reason of her having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The factual allegations set forth in Paragraph A.

DATED: Albany, New York

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