



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

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

October 26, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eric Johnson, P.A.
P.O. Box 95
Bronx, New York 10462

RE: License No. 002393
Effective Date: 11/2/93

Dear Mr. Johnson:

Enclosed please find Order #BPMC 93-172 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

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
ERIC JOHNSON, P.A. : BPMC #93-172

-----X

Upon the application of ERIC JOHNSON, P.A. (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: 19 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
ERIC JOHNSON, P.A. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF) ss.:

ERIC JOHNSON, P.A., being duly sworn, deposes and says:
That on or about April 30, 1984, I was authorized to practice as a physician's assistant in the State of New York by the issuance of registration number 002393 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician's assistant in the State of New York for the period January 1, 1993 through December 31, 1994.

I understand that the New York State Board for Professional Medical Conduct has charged me with three Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification in full satisfaction of the charges against me.

I hereby agree to the following penalty:

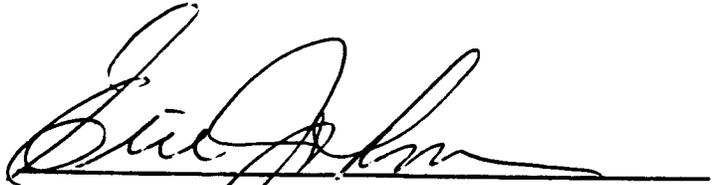
- a. My registration to practice as a physician's assistant shall be suspended for a period of two (2) years, such suspension to be stayed.
- b. I shall be placed on probation for a period of two years subject to the terms of Probation attached hereto as Exhibit "B".

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that 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 alleged or 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.

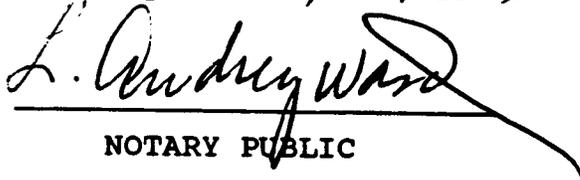
I agree that, in the event the Board grants my Application as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ERIC JOHNSON, P.A.
RESPONDENT

Sworn to before me this
30 day of Sept, 1992


NOTARY PUBLIC

L. AUDREY WARD
Notary Public, State of New York
No. 03-4154650
Qualified in Bronx County
Commission Expires Aug. 31, 1993

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
ERIC JOHNSON, P.A. :
: 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: 9-30-93
L. Audrey Ward Eric Johnson

L. AUDREY WARD
Notary Public, State of New York
No. 03-4154650
Qualified in Bronx County
Commission Expires Aug. 31, 1993

ERIC JOHNSON, P.A.
RESPONDENT

Date: 9/28/93
Gilbert Offenhartz

GILBERT OFFENHARTZ
ATTORNEY FOR RESPONDENT

Date: 10/5/93
David W. Smith

DAVID W. SMITH
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Oct. 22, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 19 October 1993

Charles J. Vacanti

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ERIC JOHNSON, P.A. : CHARGES

-----X

ERIC JOHNSON, P.A., the Respondent, was authorized to practice as a physician's assistant in New York State on April 30, 1984 by the issuance of registration number 002393 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department for the period January 1, 1990 through December 31, 1992.

FACTUAL ALLEGATIONS

- A. On or about February 28, 1990, in the United States District Court for the Eastern District of New York, Respondent pleaded guilty to receiving approximately \$200 in exchange for the ordering or arranging for the ordering of one or more items for which payment may be made under the Medicaid or Medicare program, in violation of 42 USCA Section 1320 a-7b(b) (i) (b).
- B. From approximately October, 1987 through approximately December, 1990, Respondent practiced his profession in a clinic that he owned at 1225 Boston Road, Bronx, New York.

SECOND SPECIFICATION

FRAUD

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1992). Specifically, Petitioner charges:

2. The facts in Paragraphs B and B1.

THIRD SPECIFICATION

FEE SPLITTING

Respondent is charged with permitting another person to share in fees in violation of N.Y. Educ. Law Section 6530(19) (McKinney Supp. 1992). Specifically, Petitioner charges:

3. The facts contained in Paragraphs C and C1.

DATED: New York, New York

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

1. During 1987, Respondent knowingly submitted false bills to Medicaid for services alleged to be rendered in the name of Mendel Klepper, M.D., when, in fact, Dr. Klepper did not render such services nor did he supervise Respondent in the providing of such services.
- C. During 1987 and 1988, Respondent owned the lease on the Triboro Health Center (Triboro) at 2260 3rd Avenue, New York, City.
1. Respondent entered into an agreement with Mendel Klepper, M.D., an employee at Triboro, to inappropriately split the fees paid to Dr. Klepper.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

CONVICTION OF CRIME UNDER FEDERAL LAW

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(9)(a)(ii) (McKinney Supp. 1992) having been convicted of a crime under federal law. Specifically, Petitioner charges:

1. The facts in Paragraph A.

EXHIBIT "B"

TERMS OF PROBATION

- a. ERIC JOHNSON, P.A., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
- b. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
- c. Respondent shall submit 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 in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
- d. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) 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 Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
- e. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
- f. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of

permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

- g. During the two year period of the stayed suspension, Respondent shall work as a physician's assistant only in a health care facility licensed by the New York State Department of Health.
- h. Respondent shall bear all costs related to compliance with the Terms of Probation.
- i. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

EXHIBIT "B"

TERMS OF PROBATION

- a. ERIC JOHNSON, P.A., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
- b. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
- c. Respondent shall submit 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 in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
- d. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) 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 Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
- e. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
- f. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment

charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

- g. During the two year period of the stayed suspension, Respondent shall work as a physician's assistant only in a health care facility licensed by the New York State Department of Health.
- h. Respondent shall bear all costs related to compliance with the Terms of Probation.
- i. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.