



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

December 26, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Oliverio F. Vega
6778 Lake Road
Bath, New York 14810-9713

RE: License No. 129368

Dear Dr. Vega:

Enclosed please find Order #BPMC 01-327 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 26, 2001.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
OLIVERIO F. VEGA, M.D.

Consent
Order of License Limitation
Surrender of all Clinical
Privileges
Complete Restriction from
Practice of Medicine

BPMC No. 01-327

Upon the application of (Respondent) Oliverio F. Vega, M.D. in the attached Consent Agreement of License Limitation, Surrender of all Clinical Privileges, and Complete Restriction from Practice of Medicine, and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12-24-01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
OLIVERIO F. VEGA, M.D.**

Consent Agreement
and
Order of License
Limitation
Surrender of all Clinical
Privileges
Complete Restriction
from Practice of
Medicine

Oliverio F. Vega, M.D., representing that all of the following statements are true, says:

That on or about November 19, 1976, I was licensed to practice as a physician in the State of New York, and issued License No. 129368 by the New York State Education Department.

My current address is 6778 Lake Road, Bath, New York 14810-9713, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admitted guilt to the specification of misconduct, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine shall be limited, pursuant to

§230-a of the Public Health Law, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

- That Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration

matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State; and

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this

Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

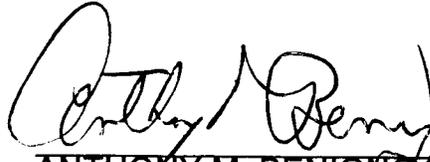
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED Dec. 14, 2001


OLIVERIO F. VEGA, M.D.
RESPONDENT

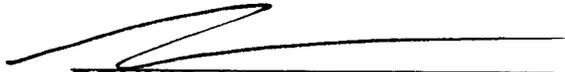
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12/18/01



ANTHONY M. BENIGNO
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 12/21/01



DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

IN THE MATTER
OF
OLIVERIO F. VEGA, M.D.

STATEMENT
OF
CHARGES

Oliverio F. Vega, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 19, 1976, by the issuance of license number 129368 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Effective on or about November 20, 1995, the New York State Board for Professional Medical Conduct issued BPMC Order No. 95-275, a copy is annexed hereto as Exhibit 1, which among other things, censured and reprimanded Respondent's license and imposed a five year period of probation.
- B. Term one of probation required that the Respondent, "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."
- C. During the period of probation Respondent treated patients A, B and C (Patient names are listed in Appendix A). His care and treatment of these patients fell below generally accepted standards of medical practice and constituted negligence on more than one occasion.
- D. The care and treatment provided to these patients did not conform to the professional standards imposed by law and by his profession.

EXHIBIT A

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING VIOLATED A TERM OF PROBATION IMPOSED BY PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law section 6530(29) by reason of his having violated a term of probation imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #95-275, in that Petitioner charges:

1. The facts in paragraphs A, B, C and D.

DATED: December 18, 2001
Albany, New York


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