



**Board for Professional Medical Conduct**

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

February 22, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Nephtali Montfort, P.A.  
238 Naples Terrace  
Bronx, New York 10462

RE: License No. 003421  
Effective Date: 03/01/95

Dear Mr. Montfort:

Enclosed please find Order #BPMC 95-40 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

cc: Robert Weinstein, Esq.  
350 Broadway  
Suite 1207  
New York, New York 10013

Claudia Bloch, Esq.

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

IN THE MATTER  
OF  
NEPHTALI MONTFORT, P.A.

CONSENT

ORDER

BPMC #95-40

Upon the application of NEPTALI MONTFORT, 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: 18 February 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
NEPHTALI MONTFORT, P.A.

APPLICATION  
FOR  
CONSENT ORDER

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

NEPHTALI MONTFORT, P.A., being duly sworn, deposes and says:

That on or about December 4, 1987, I was licensed to practice as a Physician's Assistant in the State of New York, having been issued License No. 003421 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, 1995.

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 is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the one specification, in full satisfaction of the charges against me. I hereby agree to the penalty that my license to practice as a Physician's Assistant in the State of New York be suspended for two years and that said suspension is stayed. I further hereby agree to be placed on probation for said two year period, in accordance with the terms set forth in the attached Exhibit "B", and that, during said two year period of probation, my practice as a Physician's Assistant shall be restricted to practicing only in a non-private practice setting.

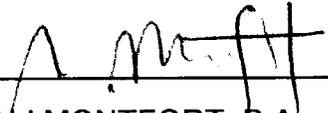
I hereby make this Application to the State Board for Professional Medical

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.

  
\_\_\_\_\_  
NEPHTALI MONTFORT, P.A.  
RESPONDENT

Sworn to before me this

2 day of February 1995

  
\_\_\_\_\_  
NOTARY PUBLIC

ROBERT L. WEINSTEIN  
Notary Public, State of New York  
No. 31-4873545  
Qualified in New York County  
Commission Expires March 20, 1996  
Nov. 5, 1996

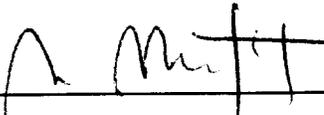
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
NEPHTALI MONTFORT, P.A.

APPLICATION  
FOR  
CONSENT ORDER

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

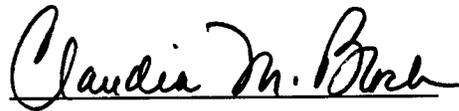
DATE: 2/2/95

  
NEPHTALI MONTFORT, P.A.  
Respondent

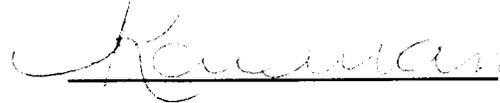
DATE: 2/2/95

  
ROBERT WEINSTEIN, ESQ.  
Attorney for Respondent

DATE: 2/13/95

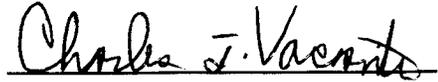
  
CLAUDIA MORALES BLOCH  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: Feb 18, 1995



KATHLEEN M. TANNER  
Director,  
Office of Professional Medical  
Conduct

DATE: 18 February 1995



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 : STATEMENT  
OF : OF  
NEPHTALI MONTFORT, P.A. : CHARGES  
-----X

NEPHTALI MONTFORT, P.A., the Respondent, was authorized to practice as a Physician's Assistant in New York State on December 4, 1987 by the issuance of license number 003421 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice as a physician's assistant for the period January 1, 1993 through December 31, 1995 at 238 Naples Terrace, Bronx, NY 10462.

**SPECIFICATION**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(ii) (McKinney Supp. 1994), in that Respondent was convicted of committing an act constituting a crime under federal law, specifically:

On or about June 1, 1993, Respondent was convicted, upon his plea of guilty, of 21 counts of fraud, specifically two (2) counts of

Racketeering, in violation of 18 USC 1962(c) and (d), and nineteen (19) counts of Mail Fraud, in violation of 18 USC 1341 and 1342, in that, from in or about April, 1991 through in or about June, 1991, Respondent together with others, participated in a scheme to operate medical clinics for the purpose of obtaining payments directly and indirectly from the Medicaid system by submitting bills, and causing others to submit bills, to the New York State Department of Social Service for medical services, drug prescriptions, and laboratory tests which he knew to be, and were in fact, medically unnecessary. Judgement was entered, after sentencing, on or about November 23, 1993.

DATED: New York, New York

*August 25, 1994*



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct

## EXHIBIT "B"

### TERMS OF PROBATION

1. NEPHTALI MONTFORT, P.A, during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. That 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 Department of Health, 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;
3. 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;
4. 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;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. 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).
7. 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.