



*New York State Board for Professional Medical Conduct*

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

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

Charles J. Vacanti, M.D.  
Chair

January 14, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Albert B. Cinelli, M.D.  
52567060  
PO Box 8000  
Bradford, PA 16701

RE: License No. 092946

Dear Dr. Cinelli:

Enclosed please find Order #BPMC 97-24 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  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

Sincerely,

Charles Vacanti, M.D.  
Chair

Board for Professional Medical Conduct

Enclosure

cc: Brad Gessner, Esq.  
Harrington & Mitchell, Ltd.  
1200 Mahoning Bank Building  
Youngstown, Ohio 44503

Robert Bogan, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
ALBERT B. CINELLI, M.D. : BPMC #97-24

-----X

Upon the Application of ALBERT B. CINELLI, M.D., to  
surrender his license as a physician in the State of New York,  
which application is made a part hereof, it is

ORDERED, that the Application and the provisions thereof are  
hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the  
roster of physicians in the State of New York; 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 via certified mail, whichever is  
earliest.

SO ORDERED,

DATED: \_\_\_\_\_

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 TO  
OF : SURRENDER  
ALBERT B. CINELLI, M.D. : LICENSE

-----X

STATE OF PENNSYLVANIA)

ss.:

COUNTY OF MCKEAN )

Albert B. Cinelli, M.D., being duly sworn, deposes and says:

On or about September 14, 1964, I was licensed to practice as a physician in the State of New York having been issued License No. 092946 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license to practice

medicine in the State of New York.

I hereby plead no contest to the allegations and specification set forth in the Statement of Charges (Exhibit A).

I offer a December 12, 1996 letter of Edward J. Poczekaj, Ohio Physicians Effectiveness Program, for review by the Board (see attached Exhibit B).

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 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.

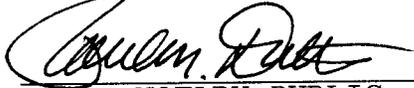
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued revoking my license to practice medicine in the State of New York without further notice to me.

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

  
ALBERT B. CINELLI, M.D.  
Respondent

Sworn to before me this

13 day of *December* 1996

  
NOTARY PUBLIC



**PAUL M. DUTTON, Attorney at Law**  
*Notary Public, State of Ohio*  
My Commission has no expiration date.

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
ALBERT B. CINELLI, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: December 13, 1996

  
ALBERT B. CINELLI, M.D.  
Respondent

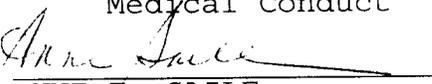
Date: December 13, 1996

  
PAUL M. DUTTON, Esq.  
Attorney for Respondent

Date: January 6, 199~~6~~<sup>7</sup>

  
ROBERT BOGAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: Jan 13, 199~~6~~<sup>7</sup>

  
ANNE F. SAILE  
DIRECTOR  
Office of Professional Medical  
Conduct

Date: \_\_\_\_\_, 199~~6~~<sup>7</sup>

  
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  
ALBERT B. CINELLI, M.D. : CHARGES

-----X

ALBERT B. CINELLI, M.D., the Respondent, was authorized to practice medicine in New York State on September 14, 1964, by the issuance of license number 092946 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. On or about May 15, 1996, Respondent was convicted of the following offense:

Possession with Intent to Distribute Narcotics

all in violation of 21 United States Code §841(a)(1) in the United States District Court for the North District of Ohio under Federal Law.

2. On or about October 9, 1996, the certificate of the Respondent to practice medicine and surgery in the State of Ohio was permanently revoked by the State Medical Board of Ohio.

EXHIBIT A

**SPECIFICATIONS OF MISCONDUCT**

**FIRST SPECIFICATION**

**CONVICTION OF A CRIME UNDER FEDERAL LAW**

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (9) (a) (i) (McKinney Supp. 1996) by reason of having been convicted of committing acts constituting crimes under Federal Law and/or the laws of another jurisdiction and which, if committed within New York State, would have constituted crimes under New York State law in that, Petitioner charges the facts in Paragraph 1.

**SECOND SPECIFICATION**

**LICENSE REVOCATION BY ANOTHER STATE**

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (9) (d) (McKinney Supp. 1996) by reason of having his license to practice medicine permanently revoked after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York State, constitute professional misconduct under the laws of New York State law in that, Petitioner charges the facts in Paragraph 2.

DATED: *Dec. 6*, 1996  
Albany, New York

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



OHIO  
PHYSICIANS  
EFFECTIVENESS  
PROGRAM

635 Park Meadow Road  
STE 203  
Westerville, Ohio 43081  
614/891-0080  
FAX 614/891-1050

December 12, 1996

Mr. Chris Morley  
New York State Health Department  
OPMC 438 Room  
Corning Tower  
Albany, N.Y. 12237

Re: Albert Cinelli, M.D.

Dear Mr. Morley:

The legal and occupational problems experienced by Albert B. Cinelli, M.D., were a result of symptomatic behaviors associated with his disease of substance dependence. They are a reflection of the powerful pathology of untreated addictive disease and not of Dr. Cinelli as a person or physician.

Since 3/15/96, Dr. Cinelli has been a client of the Ohio Physicians Effectiveness Program, a state-wide physicians health program for monitoring and advocacy of impaired physicians. During that time, Dr. Cinelli has both verbally and behaviorally demonstrated a commitment to the recovery/remission process regarding his disease. This continued despite negative outcomes regarding his personal freedom and medical licensure in the state of Ohio. Therefore, we presently believe that Dr. Cinelli is seeking remission/recovery for its own sake and not as a manipulation to achieve other ends.

As a client in our program Dr. Cinelli was required to sign an advocacy contract. He was always conscientious and compliant with the terms of said contract. He underwent random, monthly toxicology testing, the results of which were all negative. He also provided documentation for attendance at support group meetings and other therapeutic activities.



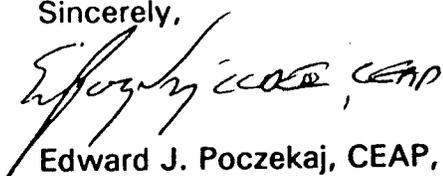
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Albert B. Cinelli, M.D.

Since Dr. Cinelli's behaviors were symptomatic of a disease process, which has been treated and brought into remission, and since he is receiving adequate consequences for these behaviors, I sincerely request that the New York State Health Department allow Dr. Cinelli to retain his state medical license when the facts of his case are reviewed in the light of the medical model of addiction and remission/recovery.

Thank you for your concern and the opportunity to advocate on behalf of Albert B. Cinelli, M.D.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward J. Poczekaj, CEAP". The signature is written in a cursive style with a large, sweeping initial "E".

Edward J. Poczekaj, CEAP, CCDCIII  
Director of Field Services

EJPjam

cc: Paul Dutton