

Ann B.



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

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

RE: License No. 139555
Effective Date: 10/12/93

Dear Dr. Antonio:

Enclosed please find Order #BPMC 93-158 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:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

A handwritten signature in black ink that reads "C. Maynard Guest". The signature is written in a cursive style with a large, prominent initial "C".

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

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IN THE MATTER :
OF : ORDER
ANDRES ANTONIO, M.D. : BPMC 93-158

-----X

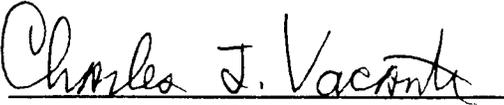
Upon the application of ANDRES ANTONIO, M.D.,
(Respondent) for Consent Order, which application is made a part
hereof, it is

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, M.D.
Chairperson
State Board for Professional
Medical Conduct

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.

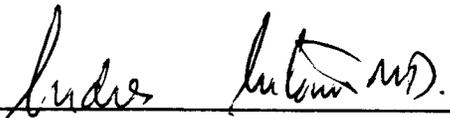
 - (b) A fine of ten thousand dollars (\$10,000.00), to be paid in accordance with the terms set forth in Exhibit B.

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.



ANDRES ANTONIO, M.D.
RESPONDENT

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



NOTARY PUBLIC

ANTHONY Z. SCHER
Notary Public, State of New York
No. 4840923
Qualified in Westchester County
Commission Expires February 28, 1990 #

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

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

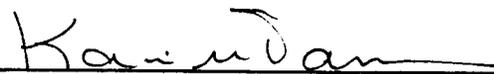
The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 9/17/93 *Andres Antonio MD*
ANDRES ANTONIO, M.D.
RESPONDENT

Date: 9/17/93 *Anthony Z. Scher*
ANTHONY Z. SCHER, ESQ.
ATTORNEY FOR RESPONDENT

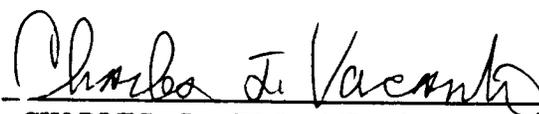
Date: 9/28/93 *Cindy M. Fascia*
CINDY M. FASCIA
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Oct. 1, 1993



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 1 October 1993



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

EXHIBIT B

TERMS OF PROBATION

ANDRES ANTONIO, M.D.

1. 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 ethical and professional standards imposed by law and his 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 him. 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 his 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 : STATEMENT
OF : OF
ANDRES ANTONIO, M.D. : CHARGES

-----X

ANDRES ANTONIO, M.D., the Respondent, was authorized to practice medicine in New York State on August 31, 1979, by the issuance of license number 139555 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, and the Office of the Health Care Administrative Sanctions Staff, Office of Investigations, Office of the Inspector General, and the Department of Health and Human Services, in resolution of the case of United States vs. Andres Antonio, M.D. By the terms of the plea agreement, Respondent agreed to plead guilty to count one of a substitute information

charging him with willful failure to pay income tax in violation of Title 26 of the United States Code, Section 7203. As set forth in said substitute information, Respondent admitted that he willfully failed to pay tax on certain income received in 1986 in the form of cash payments from the Greenwich Acupuncture Center. In accordance with the plea agreement, the Government agreed to dismissal of the pending Indictment against the Respondent. Pursuant to the plea agreement, on February 5, 1993, in the United States District Court, District of Connecticut, Respondent was found guilty of the one count of willful failure to pay tax, 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 a term of 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 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 fine of \$10,000.00 during the term of his 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 his 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