



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

New York State Board for Professional Medical Conduct

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 22, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen Cirelli, M.D.
2770 Bell Road
Galway, New York 12074

RE: License No. 178654

Dear Dr. Cirelli:

Enclosed please find Order #BPMC 97-172 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
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

cc: Concetta Lomanto, Esq.
Maynard, O'Connor, Smith, Catalinotto &
D'Agostino, LLP
80 State Street
Albany, New York 12207

Frederick Zimmer, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
STEPHEN CIRELLI, M.D. : AND ORDER
: BPMC #97-172

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STEPHEN CIRELLI, M.D., says:

On or about April 3, 1989, I was licensed to practice as a physician in the State of New York, having been issued license number 178654 by the New York State Education Department.

My current address is 1395 ~~Armer Road, Rock City Falls,~~ ^{2770 Bell Rd, Gateway} ~~New York 12863,~~ ^{New York 12074} and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

I admit guilt to the Ninth Specification in so far as it applies to Factual Allegations A.1 and A.3.

I hereby agree to the penalty that I be censured and reprimanded.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

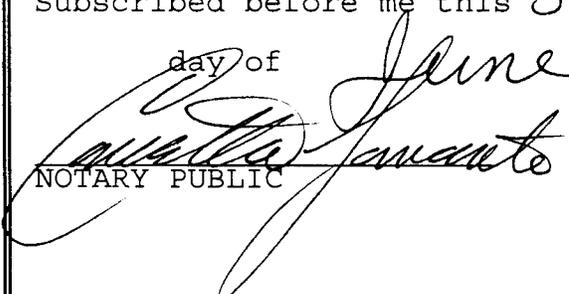
I understand that, in the event that the Board does not grant this application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me; such application shall not be used against me in any way and shall be kept in strict 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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

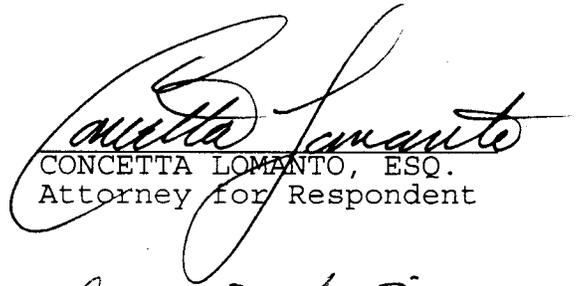

STEPHEN CIRELLI, M.D.
RESPONDENT

Subscribed before me this 30th
day of June, 1997.


NOTARY PUBLIC

AGREED TO:

DATE: June 30, 1997


CONCETTA LOMANTO, ESQ.
Attorney for Respondent

DATE: July 1, 1997


FREDERICK ZIMMER
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: July 9, 1997



ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

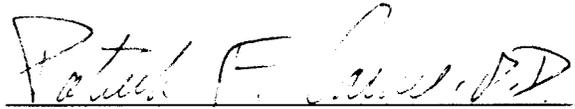
Upon the proposed agreement of STEPHEN CIRELLI, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; 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.

DATED:

July 16, 1997



PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
STEPHEN CIRELLI, M.D. : CHARGES

-----X

STEPHEN CIRELLI, M.D., the Respondent, was authorized to practice medicine in New York State on April 3, 1989 by the issuance of license number 178654 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, on or about November 25, 1994, provided medical care at the Nathan Littauer Emergency Department to Patient A who presented to the emergency department with complaints including chest pounding, anxiety and cold chills (all patients are identified in the attached Appendix). Respondent's care of Patient A failed to meet acceptable medical standards, in that:

1. Respondent failed to elicit and/or record whether Patient A was suffering from chest pain.
2. Respondent failed to adequately evaluate Patient A.
3. Respondent failed to adequately interpret Patient A's EKG and/or adequately compare it with a previous EKG.

EXHIBIT A

4. Respondent failed to order a laboratory workup in a timely manner.
5. Respondent failed to make a timely diagnosis that Patient A had suffered a myocardial infarction and as a result failed to render appropriate follow up care.
6. Respondent inappropriately discharged Patient A.

B. Respondent, on or about November 4, 1995, at approximately 3:00 a.m. and thereafter, provided medical care to Patient B at the Nathan Littauer Emergency Department. Patient B presented with complaints of chest pain, cough, nausea, vomiting and abdominal pain. Respondent's care of Patient B failed to meet acceptable medical standards, in that:

1. Respondent failed to adequately evaluate Patient B's complaints of chest pain.
2. Respondent failed to adequately interpret Patient B's EKG.
3. Respondent failed to adequately interpret Patient B's laboratory tests.
4. Respondent failed to make a timely diagnosis that Patient B had suffered a myocardial infarction and as a result failed to render appropriate follow up care.
5. Respondent inappropriately discharged Patient B.

SPECIFICATIONS

FIRST THROUGH FOURTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with professional misconduct under N.Y. Education Law §6530(4) (McKinney Supp. 1997) by reason of his practiced the profession with gross negligence on a particular occasion in that Petitioner charges the following:

1. The facts in paragraphs A and A.1, A and A.3, A and A.5 and/or A and A.6.
2. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5 and/or A and A.6 cumulatively or in any combination thereof.
3. The facts in paragraphs B and B.3, B and B.4 and/or B and B.5.
4. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5 cumulatively or in any combination thereof.

FIFTH THROUGH EIGHTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Education Law §6530(6) (McKinney Supp. 1997) by reason of his having practiced the profession with gross incompetence in that Petitioner charges:

5. The facts in paragraphs A and A.1, A and A.3, A and A.5 and/or A and A.6.
6. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5 and/or A and A.6 cumulatively or in any combination thereof.

7. The facts in paragraphs B and B.3, B and B.4 and/or B and B.5.
8. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5 cumulatively or in any combination thereof.

NINTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(3) (McKinney Supp. 1997) by reason of his having practiced the profession with negligence on more than one occasion in that Petitioner charges two or more of the following:

9. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5.

TENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(5) (McKinney Supp. 1997) by reason of his having practiced the profession with incompetence on more than one occasion in that Petitioner charges two or more of the following:

10. The facts in paragraph A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5.