



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.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

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

May 30, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James Michael Ditolla, D.O.
3905 Lakeside Way
Newman, GA 30265

RE: License No. 203361

Dear Dr. Ditolla:

Enclosed please find Order #BPMC 01-181 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect .

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

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

IN THE MATTER

SURRENDER

OF

ORDER

**JAMES MICHAEL DITOLLA, D.O.
CO-01-12-6347-A**

BPMC No. 02-181

JAMES MICHAEL DITOLLA, D.O., says:

On or about June 27, 1996, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 203361 by the New York State Education Department. I currently reside at 3905 Lakeside Way, Newnan, GA 30265.

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 the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in the state of New York since 1998, and I do not intend to return to practice medicine in the state of New York. I, therefore, am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest Factual Allegations A, B(2), and B(4) and the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

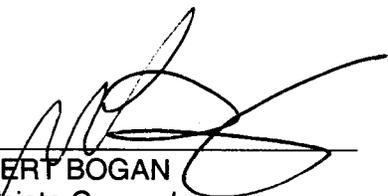
Date: 5/2, 2002



JAMES MICHAEL DITOLLA, D.O.
Respondent

AGREED TO:

Date: 05/22, 2002



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 05/24, 2002



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
JAMES MICHAEL DITOLLA, D.O.
CO-01-12-6347-A

STATEMENT
OF
CHARGES

JAMES MICHAEL DITOLLA, D.O., the Respondent, was authorized to practice medicine in New York state on June 27, 1996, by the issuance of license number 203361 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 7, 2001, the Composite State Board of Medical Examiners, State of Georgia (hereinafter "Georgia Board"), by a Public Consent Order (hereinafter "Georgia Order"), placed Respondent's license to practice medicine in Georgia on indefinite probation until discharged by the Georgia Board, with terms and conditions, based on his drug addiction and false answer on his 2000 renewal license form to the question about whether he had been in a drug treatment program.

B. The conduct resulting in the Georgia Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(8) (being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects);
3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(21) (willfully making or filing a false report).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

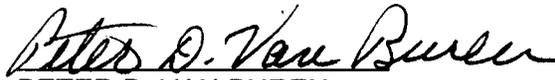
1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *March 28*, 2002
Albany, New York


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

ORDER

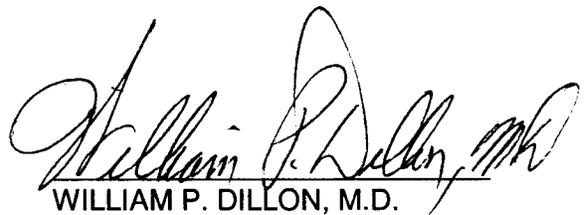
Upon the proposed agreement of **JAMES MICHAEL DITOLLA, D.O.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5/28, 2002



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