

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

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IN THE MATTER  
  
OF  
  
FRANK J. APPELGATE, M.D.  
CO-01-11-5891-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: FRANK J. APPELGATE, M.D.  
276 Parkside Drive  
Suffern, NY 10901

FRANK J. APPELGATE, M.D.  
610 E. 89<sup>th</sup> Street  
Bronx, NY 10458

FRANK J. APPELGATE, M.D.  
233 Lafayette Avenue  
Suite M2  
Suffern, NY 10901

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that FRANK J. APPELGATE, M.D. has pleaded guilty to committing acts constituting felonies under New York State law in the Supreme Court of the State of New York, County of Bronx, New York. FRANK J. APPELGATE, M.D. was authorized to practice medicine in New York State on October 18, 1985, by the issuance of license number 164462 by the New York State Education Department.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately FRANK J. APPELGATE, M.D., Respondent, shall not practice medicine in

the State of New York. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 21<sup>st</sup> day of February, 2002 at 10:00 am in the forenoon at Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment

requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE BE  
REVOKED OR SUSPENDED, AND/OR THAT  
YOU MAY BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC  
HEALTH LAW SECTION 230-A. YOU ARE  
URGED TO OBTAIN AN ATTORNEY FOR THIS  
MATTER.**

DATED: Albany, New York

December 26, 2001

ANTONIA C. NOVELLO, M.D. M.P.H, Dr. P.H.,  
Commissioner



BY: DENNIS P. WHALEN  
Executive Deputy Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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IN THE MATTER  
OF  
FRANK J. APPELGATE, M.D.  
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STATEMENT  
OF  
CHARGES

FRANK J. APPELGATE, M.D., the Respondent, was authorized to practice medicine in New York state on October 18, 1985, by the issuance of license number 164462 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 27, 2001, in the Bronx Supreme Court, New York, the Respondent was convicted, based on a plea of guilty, of eleven (11) counts of Criminal Sale of a Prescription for a Controlled Substance (Penal Law §220.65, a class C felony), one (1) count of Criminal Sale of a Controlled Substance in the Fourth Degree (Penal Law §220.34 [1], a class C felony), and two (2) counts of Criminal Solicitation in the Fourth Degree (Penal Law §100.05 [1], a class A misdemeanor).

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *Dec. 26*, 2001  
Albany, New York

*Peter D. Van Buren*

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