



**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

April 23, 1993

Mr. Robert Bentley  
Director  
Division of Professional Licensing Services  
New York State Education Department  
Empire State Plaza-Cultural Education Center  
Albany, New York 12230

RE: License No. 072613  
Effective Date: 4/22/93

Dear Mr. Bentley:

Enclosed please find Order #BPMC 93-60 of the New York State Board for Professional Medical Conduct concerning Dr. Alfons Cecys.

Please be advised that this determination by the hearing committee may be appealed to the Administrative Review Board by either side within fourteen (14) days of the service of this order. We will notify you if any such appeal is taken.

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
*Commissioner*

Paula Wilson  
*Executive Deputy Commissioner*

April 15, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Alfons Cecys, M.D.  
7473 Broadmoor Circle  
Mentor, Ohio 44060

E. Marta Sachey, Esq.  
NYS Department of Health  
Empire State Plaza  
Corning Tower - Room 2429  
Albany, New York 12237

**RE: In the Matter of Alfons Cecys, M.D.**

Dear Dr. Cecys and Ms. Sachey:

Enclosed please find the Determination and Order (No. BPMC-93-60) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must than be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

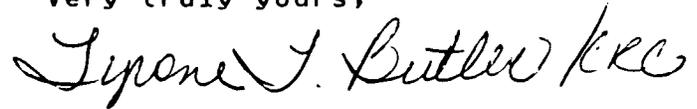
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the  
Administrative Review Board's Determination and Order.

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler". To the right of the signature, the initials "KRC" are written in a similar cursive style.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:crc  
Enclosure

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

-----X  
IN THE MATTER ; DETERMINATION  
OF ; AND  
ALFONS CECYS, M.D. ; ORDER  
-----X  
ORDER NO. BPMC-93-60

A Notice of Hearing and Statement of Charges, both dated January 25, 1993, were served upon the Respondent, ALFONS CECYS, M.D.

CHARLOTTE S. BUCHANAN, ESQ., (Chair), JOHN H. HOBICA, M.D. and ALVIN RUDORFER, D.O., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. MICHAEL P. MCDERMOTT, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on March 10, 1993. The Department of Health appeared by MARTA SACHEY, ESQ., Associate Counsel. The Respondent failed to appear. Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation

of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination if the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

#### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited.

1. **ALFONS CECYS, M.D.**, the Respondent, was authorized to practice medicine in New York State on August 4, 1952, by the issuance of license number 072613 by the New York Education Department. The Respondent is not currently

registered with the New York State Education Department to practice medicine in New York State (Pet's. Exs. 1 and 3).

2. The State Medical Board of Ohio, by Order dated May 10, 1991, found Respondent guilty of professional misconduct and denied the Respondent's license restoration request (Pet's. Ex. 5).

3. The conduct underlying the Ohio board's finding of professional misconduct and denial of Respondent's license restoration request consisted of, inter alia, during the approximate period of August 27, 1982 to August 16, 1990, Respondent billing Blue Cross-Blue Shield of Ohio and the Medicare program for services rendered in Ohio without a certificate from the State Medical Board of Ohio and Respondent writing prescriptions for drugs and medicine, including controlled substances, without a certificate from the State Medical Board of Ohio and without, subsequent to March 31, 1985, a D.E.A. certificate.

The Ohio Board determined that Respondent's conduct, as aforesaid, constituted "publishing a false, fraudulent, deceptive or misleading statement" in violation of Ohio Revised Code §4731.22(B)(5) and "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice" in violation of Ohio Revised Code §4731.22(B)(8) (Pet's. Exs. 5 and 6).

4. The conduct underlying the Ohio Board's finding of

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 the facts in Paragraphs 1, 2 and 3.

#### SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1992) by reason of his having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges the facts in Paragraphs 1, 2 and 3.

(McKinney 1990), and New York Penal Law §10(4) (McKinney 1987).

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless otherwise noted.

The Hearing Committee concluded that the Petitioner has sustained its burden of proof. The acts underlying the Respondent's criminal conviction in Ohio, would constitute a crime if committed in New York. Also, the acts of the Respondent underlying the action of the State Medical Board of Ohio in denying the Respondent's request for license restoration, would, if committed in New York State constitute professional misconduct under the laws of the State of New York.

The Respondent did not appear at the hearing nor did he submit any evidence or documentation in mitigation of the charges.

#### ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained in the Statement of Charges (Pet's. Ex. #1) are **SUSTAINED.**

2. The Respondent's license to practice medicine in the State of New York is REVOKED.

DATED: Albany, New York  
April 8, 1993

*Charlotte S. Buchanan*  
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CHARLOTTE S. BUCHANAN, ESQ.  
Chairperson

JOHN H. HOBIKA, M.D.  
ALVIN RUDORFER, D.O.

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
ALFONS CECYS, M.D. : CHARGES  
-----X

ALFONS CECYS, M.D., the Respondent, was authorized to practice medicine in New York State on August 4, 1952, by the issuance of license number 072613 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

1. The State Medical Board of Ohio, by Order dated May 10, 1991, found Respondent guilty of professional misconduct and denied the license restoration request of Respondent.
2. The conduct underlying the Ohio Board's finding of professional misconduct and denial of Respondent's license restoration request consisted of, inter alia, during the approximate period of August 27, 1982 to August 16, 1990, Respondent billing Blue Cross-Blue Shield of Ohio and the

Medicare program for services rendered in Ohio without a certificate from the State Medical Board of Ohio and Respondent writing prescriptions for drugs and medicine, including controlled substances, without a certificate from the State Medical Board of Ohio and without, subsequent to March 31, 1985, a D.E.A. certificate.

The Ohio Board determined that Respondent's conduct, as aforesaid, constituted "publishing a false, fraudulent, deceptive or misleading statement" in violation of Ohio Revised Code §4731.22(B)(5) and "the obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice" in violation of Ohio Revised Code §4731.22(B)(8).

3. The conduct underlying the Ohio Board's finding of professional misconduct and denial of Respondent's license restoration request would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) [practicing the profession fraudulently] (McKinney Supp. 1992).
4. Respondent, on approximately May 1, 1991 in the Court of Common Pleas, Lake County, Ohio, pursuant to his guilty plea to indictment counts sixteen and seventeen, was convicted of illegal processing of drug documents, third degree felonies, in that Respondent, on or between January 1, 1989

and December 31, 1989 and on or between January 1, 1990 and December 31, 1990, "did knowingly make a false statement in a prescription, order, report or record required by Chapter 3719 of the Revised Code", in violation of Ohio Revised Code §2925.23. Respondent was sentenced to serve a two year term of incarceration on each count, execution of which was suspended, and Respondent was placed on probation for two years with the condition that Respondent no longer be permitted to practice medicine in the State of Ohio.

5. The acts underlying Respondent's criminal conviction in Ohio would, if committed in New York State, constitute a crime under N.Y. Public Health Law §3397(1)(b) (McKinney 1985) [wilfully make a false statement in any prescription, order, application, report or record required by this article] in conjunction with N.Y. Public Health Law §3396(2) (McKinney 1985), N.Y. Public Health Law §12-b(2) (McKinney 1990), and New York Penal Law §10(4) (McKinney 1987).

#### FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1992) by reason of his having been found guilty of improper

professional misconduct and denial of Respondent's license restoration request would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) {practicing the profession fraudulently} (McKinney Supp. 1992).

5. Respondent, on Approximately May 1, 1991 in the Court of Common Pleas, Lake County, Ohio, pursuant to his guilty plea to indictment counts sixteen and seventeen, was convicted of illegal processing of drug documents, third degree felonies, in that Respondent, on or between January 1, 1990 and December 31, 1990, "did knowingly make a false statement in a prescription, order, report or record required by Chapter 3719 of the Revised Code", in violation of Ohio Revised Code §2925.23. Respondent was sentenced to serve a two year term of incarceration on each count, execution of which was suspended, and Respondent was placed on probation for two years with the condition that Respondent no longer be permitted to practice medicine in the State of Ohio (Pet's. Exs. 4 and 7).

6. The acts underlying Respondent's criminal conviction in Ohio would, if committed in New York State, constitute a crime under N.Y. Public Health Law §3397(1)(b) (McKinney 1985) {wilfully make a false statement in any prescription, order, application, report or record required by this article} in conjunction with N.Y. Public Health Law §3396(2) (McKinney 1985), N.Y. Public Health Law §12-b(2)

THIRD SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1992) by reason of his having been convicted of committing an act constituting a crime under the law of another jurisdiction which, if committed within New York State, would have constituted a crime under New York State law, in that Petitioner charges the facts in Paragraphs 4 and 5.

DATED: Albany, New York  
*January 25, 1993*

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