



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.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

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

March 25, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jerome Taffet, M.D.
37 Bay Street
City Island, NY 10464

RE: License No. 185624

Dear Dr. Taffet:

Enclosed please find Order #BPMC 03-76 of the New York State Board for Professional Medical Conduct regarding the Annulment of Certificate of Incorporation for Care Medical, P.C. These Orders and any penalty provided therein goes into effect March 25, 2003.

Sincerely,

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Harris M. Recht, Esq.
Parkview Plaza
1200 East Ridgewood Avenue
Second Floor East, Suite 200
Ridgewood, NJ 07450

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

IN THE MATTER

OF

CARE MEDICAL, P.C.

**CONSENT
AGREEMENT
AND
ORDER**
BPMC No. 03-76

The Respondent, Care Medical, P.C., says:

The Respondent is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on March 19, 2001 to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order annulling, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, its certificate of incorporation such that the annulment shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document annulling the Respondent's certificate of incorporation, and

the Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent acknowledges the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the First Specification of the Statement of Charges in full satisfaction of all such allegations and specifications.

The Respondent agrees that, in the event the State Board for Professional Medical Conduct agrees with its proposal, this Consent Agreement and Order shall be issued annulling its certificate of incorporation. The Respondent agrees that such annulment shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document annulling the Respondent's certificate of incorporation. The Respondent agrees, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties.

In addition, the Respondent agrees that this Consent Agreement and Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Consent Agreement and Order to Jerome Taffet, M.D., 37 Bay Street, City Island, NY 10464.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for

any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

The Respondent acknowledges 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 it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it 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.

The Respondent is making this application of its own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to it of the acceptance by the Board of this application allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives any right it may have to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which it hereby applies and the Respondent asks that the application be granted.

The Respondent is making this application through Jerome Taffet, M.D., who is the sole shareholder, director, and officer, as identified in the certificate of incorporation of the Respondent. Dr. Taffet hereby consents on behalf of the Respondent to the annulment of the Respondent's certificate of incorporation.

Date: 2-23-, 2003

Care Medical, P.C.

By:



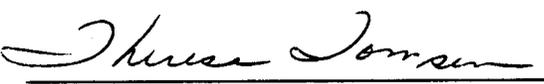
Jerome Taffet, M.D.
Sole Shareholder, Director, and Officer
as Identified in the Certificate of
Incorporation of the Respondent

State of *New York*

ss.:

County of *Bronx*

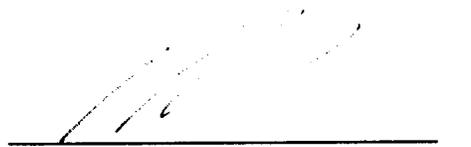
On the 23 day of February 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared, Jerome Taffet, M.D., personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity as the sole shareholder, director, and officer, as identified in the certificate of incorporation of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the Board of Directors of said corporation, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

TERESA TOMASIN
Notary Public, State of New York
No. 03-4693218
Qualified in Bronx County
Commission Expires May 31, 2003

AGREED TO:

Date: 2/19, 2003

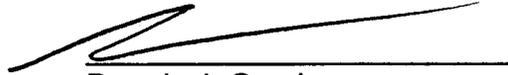

Harris M. Recht
Attorney for Jerome Taffet, M.D.
Parkview Plaza
1200 East Ridgewood Avenue
Second Floor East, Suite 200
Ridgewood, New Jersey 07450

Date: FEBRUARY 25, 2003



Richard J. Zahnleuter
Associate Counsel
Bureau of Professional
Medical Conduct

Date: MARCH 21, 2003



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
CARE MEDICAL, P.C.

ORDER

Upon the proposed Consent Agreement and Order of Care Medical, P.C. (the Respondent), which proposed agreement is made a part hereof, it is AGREED TO and

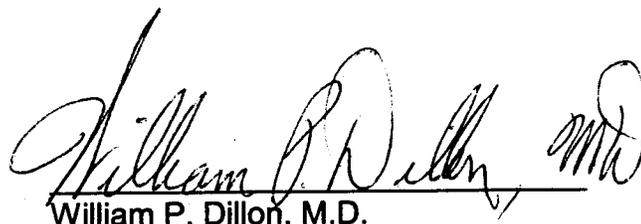
ORDERED, that the Respondent's certificate of incorporation, which was filed by the Department of State on March 19, 2001, is hereby annulled such that the annulment shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document annulling the Respondent's certificate of incorporation.

ORDERED, that the proposed agreement and the provisions thereof, are hereby adopted; 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 of this Consent Agreement and Order to the Respondent in care of Jerome Taffet, M.D., 37 Bay Street,

City Island, NY 10464.

DATED: 3/24/03

A handwritten signature in black ink, reading "William P. Dillon, M.D." with a stylized flourish at the end.

William P. Dillon, M.D.

Chair

State Board for Professional
Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
CARE MEDICAL, P.C.

STATEMENT
OF
CHARGES

The Respondent, Care Medical, P.C., is a professional service corporation duly authorized to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

ALLEGATIONS

- A. A professional service corporation may be organized by one or more individuals who are duly authorized by law to render the same professional service, pursuant to Section 1503(a) of the New York Business Corporation Law.
- B. Jerome Taffet, M.D., is an individual who is duly licensed to practice medicine in the State of New York.
- C. In or about December 2000 or January 2001, a college student known as

"Michael," who, upon information and belief, was not a physician, but who was acting as a business broker, approached Dr. Taffet and told Dr. Taffet that he knew of a position as a "treating doctor" that Dr. Taffet might be interested in.

- D. Dr. Taffet stated that he was interested in working as a physician who would be "examining patients."
- E. Michael then directed Dr. Taffet to a prospective employer.
- F. Dr. Taffet did not ultimately accept that position.
- G. At no time did Michael discuss with Dr. Taffet the formation of a professional medical corporation under Dr. Taffet's name, and at no time did Dr. Taffet understand that a professional medical corporation would be formed under his name.
- H. Subsequently, in or about May 2001 or June 2001, Michael introduced Dr. Taffet to two persons, neither of whom, upon information and belief, was a physician, known as "Olga" and "Zalmai."
- I. Dr. Taffet understood that Olga and Zalmai had a job as a physician that Dr. Taffet might potentially be interested in.
- J. Dr. Taffet met with Olga and Zalmai at a medical office that was in the final stages of renovations and that Dr. Taffet later understood was known as Care Medical, P.C.
- K. In the course of two additional meetings, Olga and Zalmai presented to Dr. Taffet for his signature an "employment agreement" and a "service agreement" concerning a professional medical corporation known as

"_____ Medical, P.C.," meaning "Medical, P.C.," preceded by a blank space to be filled in later.

- L. Dr. Taffet did not sign either document and ultimately did not accept that position.
- M. At no time did Olga or Zalmai discuss with Dr. Taffet the formation of a professional medical corporation under Dr. Taffet's name, and at no time did Dr. Taffet understand that a professional medical corporation would be formed under his name.
- N. On March 19, 2001, a certificate of incorporation for the Respondent was filed with the New York State Department of State bearing the typed name and license number of Dr. Taffet as "original shareholder, director and officer."
- O. According to the certificate of incorporation, Dr. Taffet was the physician who, in compliance with Sections 1503(a), 1507, and 1508 of the New York Business Corporation Law, was identified as the sole shareholder, director, and officer who organized the Respondent.
- P. At no time did Dr. Taffet know that the certificate of incorporation for the Respondent was being filed in his name. At no time did Dr. Taffet ever consider himself a shareholder, director, or officer of the Respondent. At no time did Dr. Taffet ever sign or receive any stock certificates for the Respondent. At no time did Dr. Taffet ever control or benefit from any of the Respondent's accounts or business affairs. At no time did Dr. Taffet ever render any medical service for the Respondent, including diagnosis or

treatment of any patient, and, if any bills have ever been submitted by the Respondent to an insurance company or other third party payor under the name of Dr. Taffet, those bills are not truthful or accurate.

- Q. It was not until in or about October 2001 when an insurance company representative confronted Dr. Taffet about the Respondent's ownership that Dr. Taffet realized a professional medical corporation, the Respondent, had been established in his name.
- R. Even though the Respondent continues to be technically authorized to practice medicine as a professional medical corporation, Dr. Taffet never intended to organize the Respondent, or to cause the Respondent to be organized, as a professional medical corporation.
- S. Further, upon information and belief, no person duly authorized to practice medicine ever organized the Respondent, or caused the Respondent to be organized, as a professional medical corporation.
- T. From the time the certificate of incorporation of the Respondent was filed with the Secretary of State on March 19, 2001, the Respondent has not been in compliance with Section 1503(a) of the New York Business Corporation Law; and yet the Respondent has allowed the status quo to remain in effect. The Respondent, therefore, has willfully failed to comply with the requirements of Section 1503(a) of the New York Business Corporation Law.

SPECIFICATION OF MISCONDUCT

The Respondent is charged with professional misconduct by reason of WILLFULLY FAILING TO COMPLY WITH SECTION 1503 OF THE BUSINESS CORPORATION LAW, in violation of the third undesignated clause set forth in New York Education Law §6530(12), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T.

DATED: *February 25*, 2003
Albany, New York


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