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

IN THE MATTER OF MONTAGUE REHAB & PAIN MANAGEMENT, P.C.	CONSENT AGREEMENT AND ORDER

The Respondent, Montague Rehab & Pain Management, P.C., says:

The Respondent 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.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation 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 revoking the Respondent's certificate of incorporation, and the Respondent requests that the Board

issue this Consent Agreement and Order.

The Respondent acknowledges that it has been charged with professional misconduct as set forth in 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 revoking its certificate of incorporation. The Respondent agrees that such revocation 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 revoking 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 it in care of its attorney, Gregory J. Naclerio, Ruskin, Moscou, Evans & Faltischek, P.C., East Tower, 15th Floor, 190 EAB Plaza, Uniondale, NY 11556-0190, or upon transmission via facsimile to it in care of its attorney, Gregory J. Naclerio, Ruskin, Moscou, Evans & Faltischek, P.C., East Tower, 15th Floor, 190 EAB Plaza, Uniondale, NY 11556-0190, whichever is

earliest.

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 Evelyn Castro Greenspan, M.D., Temporary Administrator of the Estate of Joseph Jay Greenspan, M.D., who was

the President and Sole Shareholder of the Respondent. The Respondent and the Temporary Administrator warrant that she has the necessary corporate authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of the Respondent's certificate of incorporation.

Date: August 26, 2002

Montague Rehab & Pain Management, P.C.

By: Evelyn Castro Greenspan

Evelyn Castro Greenspan, M.D.
Temporary Administrator of the
Estate of Joseph Jay Greenspan, M.D.,
President and Sole Shareholder of the
Respondent

State of California)

ss.:

County of Los Angeles)

On the 26th day of August 2002, before me personally came Evelyn Castro Greenspan, M.D., who being by me duly sworn, did depose and say that she resides in Rancho Palos Verdes ; that she is the Temporary Administrator of the Estate of Joseph Jay Greenspan, M.D., President and Sole Shareholder of the Respondent, the professional service corporation described in and which executed the above instrument; and that she signed her name thereto by order of the Board of Directors of said corporation.

Kerry Furimsky

Notary Public

KERRY FURIMSKY
Commission # 1250239
Notary Public — California
Los Angeles County
My Comm. Expires Jan 17, 2004

AGREED TO:

Date: Sep 3, 2002

Gregory J. Naclerio
Attorney for Respondent
Ruskin, Moscou, Evans & Faltischek, P.C.
East Tower, 15th Floor
190 EAB Plaza
Uniondale, NY 11556-0190

Date: October 3, 2002

Richard J. Zahnleuter
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 10/21, 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 MONTAGUE REHAB & PAIN MANAGEMENT, P.C.	ORDER

Upon the proposed Consent Agreement and Order of Montague Rehab & Pain Management, 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 is hereby revoked such that the revocation shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document revoking 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 its attorney, Gregory J. Naclerio, Ruskin, Moscou, Evans & Faltischek, P.C., East Tower, 15th Floor, 190 EAB Plaza, Uniondale, NY 11556-0190, or upon transmission via facsimile to it in care of its attorney, Gregory J. Naclerio, Ruskin, Moscou, Evans & Faltischek, P.C., East Tower, 15th Floor, 190 EAB Plaza, Uniondale, NY 11556-0190, whichever is earliest.

DATED: 10/28/02

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 MONTAGUE REHAB & PAIN MANAGEMENT, P.C.	STATEMENT OF CHARGES

The Respondent, Montague Rehab & Pain Management, 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. Upon information and belief, Joseph Jay Greenspan, M.D., was the individual who was duly authorized by law to practice medicine and who organized, or caused to be organized, the Respondent to practice medicine in compliance with Section 1503(a) of the New York Business Corporation Law.

C. Upon information and belief, Joseph Jay Greenspan, M.D., was the physician who, in compliance with Sections 1503(a) and 1504(a) of the New York Business Corporation Law, was the sole shareholder of the Respondent.

D. Joseph Jay Greenspan, M.D., passed away on December 7, 2001.

E. Following the death of Joseph Jay Greenspan, M.D., on December 7, 2001, the authorization that Joseph Jay Greenspan, M.D., had to practice medicine no longer had any legal force.

F. Without a shareholder who was duly authorized by law to render medical services, the Respondent was no longer in compliance with Section 1503(a) of the New York Business Corporation Law.

G. From the time of the death of Joseph Jay Greenspan, M.D., on December 7, 2001, the Respondent allowed the status quo to remain in effect and, therefor, willfully failed to comply with the requirements of Section 1503(a) of the New York Business Corporation Law.

SPECIFICATION OF CHARGES

The Respondent is charged with professional misconduct by reason of a WILLFUL FAILURE TO COMPLY WITH SUBSTANTIAL PROVISIONS OF STATE LAWS GOVERNING THE PRACTICE OF MEDICINE, in violation of New York Education Law §6530(16), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, E, F, and/or G.

DATED: October 11, 2002
Albany, New York

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