



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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

February 1, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Karen Eileen Carlson, Esq.  
Assistant Counsel  
NYS Department of Health  
Corning Tower-Room 2429  
Empire State Plaza  
Albany, New York 12237

Robert H. Iseman, Esq.  
Iseman, Cunningham, Riester & Hyde  
9 Thurlow Terrace  
Albany, New York 12203

Stephen Ancier, M.D.  
P.O. Box 4351  
21 Brookfield Road  
Upper Montclair, New Jersey 07043-4351

RECEIVED  
FEB 01 1995  
OFFICE OF  
MEDICAL CONDUCT

**RE: In the Matter of Stephen Ancier, M.D.**

Dear Ms. Carlson, Mr. Iseman and Dr. Ancier:

Enclosed please find the Determination and Order (No. 95-25) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

Office of Professional Medical Conduct  
New York State Department of Health  
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 then 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 (i), 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.

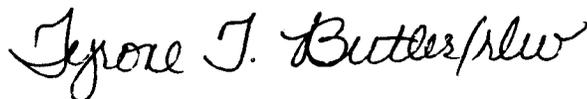
The notice of review served on the Administrative Review Board should be forwarded to:

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

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm

Enclosure

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

-----X  
IN THE MATTER : DETERMINATION  
OF : AND  
STEPHEN ANCIER, M.D. : ORDER  
-----X  
BPMC-95-25

A Notice of Hearing and Statement of Charges, both dated November 7, 1994, were served upon the Respondent, Stephen Ancier, M.D. DENISE BOLAN, R.P.A. (Chair), MARGERY SMITH, M.D., and JOSEPH G. CHANATRY, M.D., 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. LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Karen Eileen Carlson, Esq., Assistant Counsel. The Respondent appeared by Iseman, Cunningham, Riester & Hyde, Robert H. Iseman, Esq., of Counsel. Evidence was received and transcripts of these proceedings were made.

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

PROCEDURAL HISTORY

Date of Service of Notice of  
Hearing and Statement of Charges: November 16, 1994  
Answer to Statement of Charges: December 30, 1994  
Pre-Hearing Conference: December 8, 1994  
Dates of Hearings: January 5, 1995  
January 12, 1995  
Witnesses for Department of Health: None

Witnesses for Respondent: None  
Deliberations Held: January 12, 1995

**STATEMENT OF CASE**

The Department has charged Respondent with ten specifications of professional misconduct. More specifically, the Department has charged Respondent with obtaining his medical license fraudulently, filing false reports (two specifications), moral unfitness (two specifications), practicing the profession fraudulently (two specifications), conviction of a crime, and discipline in another state (two specifications). Respondent admitted the underlying facts concerning this matter but denied all ten specifications of professional misconduct.

A copy of the Notice of Hearing 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 evidence.

1. Stephen Ancier, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State by the issuance of license number 163647 by the New York State Education

Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from P.O. Box 4351, 21 Brookfield Road, Upper Montclair, New Jersey 07043-4351. (Pet. Ex. #3).

2. In 1980, Respondent forged an Air New Zealand boarding pass. Subsequently, Respondent was convicted of violating the New Zealand Crimes Act of 1961, §§265 and 26~~4~~<sup>6</sup>(1)(b) [forging a document; causing an individual to act on that forged document as if it were genuine]. Respondent was fined, and left the country. (Dept. Ex. #4).

3. Respondent was convicted of crimes in Canada in January, 1982 involving forged airline tickets, credit card forgery and marijuana possession. Respondent was fined, and ordered to pay restitution. Respondent received a pardon for the Canadian conviction on October 1, 1987. (Dept. Ex. #7).

4. Respondent, on or about July 13, 1985, filed his Application for License and First Registration (hereinafter "New York Application") for a license to practice medicine in New York State. Respondent falsely answered "No" to the New York Application question, "Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?", when Respondent knew that he had received criminal convictions in New Zealand and Canada, as set forth above. (Dept. Ex. #3; Dept. Ex. #4; Dept. Ex. #7).

5. Respondent gave May 1, 1953 as his date of birth on line three of the New York Application when, in fact,

Respondent's actual birth date is January 5, 1947, and Respondent knew such fact. (Dept. Ex. #3; Dept. Ex. #8).

6. Respondent, on or about December 31, 1992, filed a Registration Application with the New York State Education Department for the period of January 1, 1993 through December 31, 1994. Respondent gave May 1, 1953 as his date of birth when, in fact, Respondent's actual birth date is January 5, 1947, and Respondent knew such fact. (Dept. Ex. #3; Dept. Ex. #7).

7. The Commonwealth of Pennsylvania, State Board of Medicine (hereinafter "the Pennsylvania Board"), by Order dated July 25, 1989, found Respondent guilty of unprofessional conduct by providing false information in his application for a Pennsylvania medical license, in violation of 63 P.S. §422.41(2); of immoral conduct, in violation of 63 P.S. §422.41(8); of disciplinary action in another state, in violation of 63 P.S. §422.41(4); and of failing to report such out-of-state disciplinary action to the Board in a timely fashion, in violation of 63 P.S. §422.37. (Dept. Ex. #6).

8. More specifically, the Pennsylvania Board based its determination, in part, on the fact that Respondent, upon filing an application for a license to practice medicine in Pennsylvania, answered in the negative in response to the question: "Have you ever been convicted of a crime (other than parking or traffic violation) in the courts of Pennsylvania or any other state, territory, or county [sic]?", when in fact Respondent had been criminally convicted in Canada, as set forth in Paragraph 3, above. The Pennsylvania Board did not address

Respondent's 1980 criminal conviction in New Zealand. (Dept. Ex. #6).

9. The Pennsylvania Board suspended Respondent's license for three months and imposed a fine of two thousand dollars. (Dept. Ex. #6).

10. The State of Colorado, Board of Medical Examiners (hereinafter "the Colorado Board"), by Final Order dated October 13, 1993, found Respondent guilty of unprofessional conduct by fraud, misrepresentation or deception in applying for, securing and seeking reinstatement of a license to practice medicine in Colorado, in violation of C.R.S. §12-36-117(1)(a), and by being convicted of an offense involving moral turpitude, in violation of C.R.S. §12-36-117(1)(f). (Dept. Ex. #7).

11. More specifically, the Colorado Board based its determination, in part, on the fact that Respondent failed to reveal a criminal conviction on his 1990 application for a Colorado medical license in response to the question: "Have you ever received a deferred prosecution, a deferred judgment, been convicted of or pled guilty or nolo contendere to, any felony in any state, territory, district, the United States, or a foreign country?" when, in fact, Respondent had been convicted of crimes in New Zealand, as set forth in Paragraph 2, above. In addition, Respondent gave May 1, 1948 as his date of birth when his actual birth date is January 5, 1947. (Dept. Ex. #7).

12. The Colorado Board revoked Respondent's license to practice medicine, citing a lack of integrity on the part of Respondent evidenced by a "pattern of dishonest conduct

stretching over a period of 13 years." (Dept. Ex. #7).

#### 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 noted otherwise.

The Hearing Committee concluded that the following Factual Allegations should be sustained. The citations in parentheses refer to the Findings of Fact which support each Factual Allegation:

Paragraphs A, A.1 and A.2: (2-5);

Paragraphs B and B.1: (6);

Paragraphs C and C.1: (2);

Paragraphs D, D.1, D.2 and D.3, except with regard to Respondent's birth date, which is not sustained: (3, 7-9);

Paragraphs E, E.1, E.2 and E.3: (2, 10-12).

The Hearing Committee further concluded that the following Specifications should be sustained. The citations in parentheses refer to the Factual Allegations which support each Specification:

First Specification: (A, A.1 and A.2);

Second Specification: (A, A.1 and A.2);

Third Specification: (B and B.1);

Fourth Specification: (A, A.1 and A.2);

Fifth Specification: (B and B.1);

Sixth Specification: (A, A.1 and A.2);

Seventh Specification: (B and B.1);

Eighth Specification: (C and C.1);

Ninth Specification: (D, D.1, D.2 and D.3);

Tenth Specification: (E, E.1, E.2 and E.3).

#### DISCUSSION

Respondent is charged with ten specifications alleging professional misconduct within the meaning of Education Law §6530. The Hearing Committee unanimously concluded, by a preponderance of the evidence, that the Department has sustained its burden of proof with respect to each specification of professional misconduct. The rationale for the Committee's conclusions regarding each specification of misconduct is set forth below.

#### Obtaining the License Fraudulently

Respondent filed his original New York Application on or about July 13, 1985. It is undisputed that Respondent was convicted of crimes in New Zealand (in 1980) as well as in Canada (in 1982). Respondent failed to provide information regarding these convictions despite a question on the application which clearly asked "Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?" Moreover, Respondent admits that he indicated that his birth date was May 1, 1953, although his true birth date is January 5, 1947. He further admits that he was aware of the criminal convictions, as well as the error in his birth date. (See, Respondent's Answer).

The Hearing Committee unanimously concluded that Respondent obtained his New York medical license fraudulently. A

claim of fraud may be supported where the facts show that a false representation was made, that the licensee knew that representation to be false, and that the licensee intended to mislead based upon the false representation. Mtr. of Choudry, 170 AD2d 893 (3d Dept. 1991). The element of intent to mislead on the part of the licensee can be inferred by the Hearing Committee from the surrounding facts. Id. (see also, Mtr. of Kim, 172 AD2d 880 (3d Dept. 1991); Mtr. of Van Gaasbeek, 198 AD2d 572 (3d Dept. 1993)).

Respondent presented no credible evidence which would indicate that the false statements made on the New York Application were inadvertent mistakes. By providing a false date of birth and lying about his past criminal convictions, Respondent denied the licensing Board the opportunity to have accurate information before them in making the decision to grant Respondent a medical license. The Hearing Committee concluded that Respondent intended to deceive the licensing Board, and thus obtained his New York license fraudulently. As a result, the Committee voted to sustain the First Specification.

#### Filing a False Report

In addition to the false statements made by Respondent on his New York Application, Respondent also admits that he knowingly gave a false birth date on his Registration Application for the period January 1, 1993 through December 31, 1994.

Respondent argued that neither his original application for licensure, nor his registration application, constitute "reports" within the meaning of Education Law §6530(21). This

position is not supported by the applicable case law. The courts have held that applications for a residency program, applications of employment, and applications for appointment to a medical staff constitute "reports" within the meaning of the statute. Mtr. of Sung Ho Kim, 172 AD2d 880 (3d Dept. 1991). In addition, an affidavit submitted by a physician on behalf of another physician to the Regents Review Committee was held to be a "report" for the purposes of the statute. Mtr. of Mohammed Choudry, 170 AD2d 893 (3d Dept. 1991). Further, in Mtr. of Van Gaasbeek, 198 AD2d 572 (3d Dept. 1993), the court held that a registration application submitted for the purposes of re-registering as a physician was considered to be a "report" within the meaning of the statute.

Based upon the foregoing, the Hearing Committee concluded that Respondent's July 13, 1985 New York Application and December 31, 1992 Registration Application constitute false reports within the meaning of Education Law §6530(21). Consequently, the Committee voted to sustain the Second and Third Specifications.

#### **Moral Unfitness**

Respondent has also been charged with moral unfitness to practice medicine, in violation of Education Law §6530(20) by virtue of the false reports which he made to the New York State Education Department. Conduct which evidences moral unfitness can arise either from conduct which violates a trust related to the practice of the profession or from activity which violates the moral standards of the professional community to which

Respondent belongs.

The Hearing Committee unanimously concluded that Respondent clearly breached the public trust as a result of his fraudulent conduct. Moreover, Respondent's actions violated the moral and ethical standards of the medical community. As a result, the Committee concluded that Respondent did demonstrate moral unfitness to practice medicine, and voted to sustain the Fourth and Fifth Specifications.

**Practicing the Profession Fraudulently**

Respondent is also charged with practicing the profession fraudulently, by virtue of the fraudulent applications submitted to the New York State Education Department. Respondent was practicing the profession of medicine at the time of committing the fraud. Further, the fraud was committed with the intent to mislead New York into granting Respondent a license to practice medicine in this state. As a result, the Committee concluded that Respondent was guilty of practicing the profession fraudulently, in violation of Education Law §6530(2). Therefore, the Committee voted to sustain the Sixth and Seventh Specifications.

**Conviction of a Crime**

Respondent was also charged with professional misconduct within the meaning of Education Law §6530(9)(a)(iii). The record established that on December 8, 1980, Respondent was convicted of violating the New Zealand Crimes Act of 1961, §§265 and 266(1)(b). Respondent was found guilty of forging an Air New Zealand boarding pass and knowingly induced an airline employee

to act on the forged instrument. Respondent's conduct, if committed in New York State, would constitute forgery in the third degree, in violation of Penal Law §170.05. Consequently, the Hearing Committee voted to sustain the Eighth Specification.

**Discipline in Another State**

Respondent has also been charged with two specifications of professional misconduct due to the prior disciplinary actions taken by the Pennsylvania and Colorado Boards. The record established that the Pennsylvania Board disciplined Respondent, in part, based upon his fraudulent misrepresentations on his Pennsylvania application concerning his criminal background. (See, Dept. Ex. #6).

The record also established that the Colorado Board revoked Respondent's Colorado medical license (for the second time) because of his repeated attempts at misrepresenting his criminal record. Moreover, the Colorado Board found that Respondent had submitted forged birth certificates, stating that Respondent's birth date was May 1, 1948, when it was, in fact, January 5, 1947. (See, Dept. Ex. #7).

The Hearing Committee concluded that the conduct resulting in the disciplinary actions taken by the Pennsylvania and Colorado Boards would, if committed in New York State, constitute professional misconduct within the meaning of Education Law §§6530(1), 6530(2), 6530(20) and 6530(21). As a result, the Committee voted to sustain the Ninth and Tenth Specifications.

### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine as a physician in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent declined to appear in person at the hearing, and offered no testimony which might mitigate the sanction to be imposed by this Hearing Committee. Respondent was not required to be present at the hearing, nor was he required to testify in his own behalf. Nevertheless, the Hearing Committee was hampered in reaching a determination in this matter, as it could not hear Respondent's explanation for his actions.

However, Respondent did testify at the 1993 Colorado disciplinary proceeding. The findings and conclusions of that hearing are incorporated into the record of the instant proceeding in Department's Exhibit #7. In reaching the initial decision to revoke Respondent's Colorado medical license, the Colorado Administrative Law Judge made the following observations:

Respondent's MPA violations represent a pattern of dishonest conduct stretching over a period of 13 years. The initial conduct was Respondent's forging of a boarding pass and using it to board an airline flight. This is not, however, an isolated and remote instance

of dishonesty. Respondent compounded the seriousness of this initial act by fraudulently representing on the 1983 Application for licensure as a physician in Colorado that he had not been charged with any crimes. Thus began a pattern of behavior involving numerous fraudulent statements -- a pattern which continued right up to the hearing in this matter. In an apparent attempt to hide the New Zealand convictions, Respondent broadened the scope of his deception and fraudulent statements to the Board. He forged a birth certificate and repeatedly reported a false date of birth until he was confronted by the Board with a genuine birth certificate. He sought to portray the Pennsylvania licensure action against him as a mere spin off of the Colorado action regarding his Canadian convictions, when he knew perfectly well that he had committed an independent act of deception in applying for licensure in that state as well. This matter does not, as Respondent's counsel tried to suggest, involve the Board's seeking to discipline Respondent for something he did in New Zealand 13 years ago.

The severity of Respondent's fraudulent representations in his pursuit of Colorado medical licensure is heightened by the prior disciplinary action in this matter after the Canadian convictions came to light. The fact that Respondent expressed public remorse and regret both for those convictions and his subsequent concealment of them from the Board, when he knew that he was engaging in the same conduct, albeit undetected, in relation to the New Zealand convictions, shows that this was an insincere expression calculated only to give him an advantage in the previous disciplinary action.

Respondent's conduct is also aggravated by the numerous instances when he has admitted lying or when his credibility was found by the Administrative Law Judge to be compromised. His denial of misrepresentations in relation to licensure in other states; his testimony that he forged birth certificates for "no reason at all," but certainly not a deceptive one; and his false remorse or regret in connection with the prior disciplinary hearing are examples.

The Hearing Committee recognizes the fact that no allegations regarding Respondent's clinical competence have been raised, either by the Department or any other jurisdiction.

However, there is more to being a physician than mere clinical competence. Personal integrity and honesty are essential requirements for physicians. Respondent has amply demonstrated that he is unable, or unwilling, to be truthful in his dealings with the licensing authorities in New York, as well as Colorado and Pennsylvania. He has thus shown that he lacks the integrity which is to be expected as a member of the medical profession.

Integrity and personal honesty are qualities which cannot be taught in a re-training program, nor are they likely to be instilled by a mere period of suspension. Each of the Specifications of professional misconduct brought in this case would warrant revocation, insofar as they demonstrate Respondent's lack of moral and ethical behavior. Considered together, they present a compelling argument for revocation. The Hearing Committee unanimously concluded that, under the totality of the circumstances, revocation is the only appropriate sanction to be imposed upon Respondent.

**ORDER**

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

1. The First through Tenth Specifications of professional misconduct, as set forth in the Statement of Charges (Department's Exhibit # 1) are **SUSTAINED**;

2. Respondent's license to practice medicine as a physician in New York State be and hereby is **REVOKED** commencing on the effective date of this Determination and Order.

**DATED: Albany, New York**

*January 24*, 1995

*Denise Bolan RPA-C*  
\_\_\_\_\_  
**DENISE BOLAN, R.P.A. (CHAIR)**

**MARGERY SMITH, M.D.  
JOSEPH G. CHANATRY, M.D.**

TO: Karen Eileen Carlson, Esq.  
Assistant Counsel  
New York State Department of Health  
Corning Tower Building - Room 2429  
Empire State Plaza  
Albany, New York 12237

Stephen Ancier, M.D.  
P.O. Box 4351  
21 Brookfield Road  
Upper Montclair, New Jersey 07043-4351

Robert H. Iseman, Esq.  
Iseman, Cunningham, Riester & Hyde  
9 Thurlow Terrace  
Albany, New York 12203

APPENDIX I

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

-----X

IN THE MATTER : NOTICE  
OF : OF  
STEPHEN ANCIER, M.D. : HEARING

-----X

TO: Stephen Ancier, M.D.  
P.O. Box 4351  
21 Brookfield Road  
Upper Montclair, New Jersey 07043-4351

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 8th day of December, 1994, at 10:00 a.m. in the forenoon of that day at the Empire State Plaza, Cultural Education Building, Concourse Level, Room C, Albany, New York, 12237, and at such other adjourned dates, times and places as the committee may direct.

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. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in

order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), 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. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1994), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty 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 BE FINED OR  
SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW  
YORK PUBLIC HEALTH LAW SECTION 230-a  
(McKinney Supp. 1994). YOU ARE URGED TO  
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS  
MATTER.

DATED: Albany, New York  
*November 7*, 1994



PETER D. VAN BUREN  
Deputy Counsel

Inquiries should be directed to: Karen Eileen Carlson  
Assistant Counsel  
Division of Legal Affairs  
Bureau of Professional  
Medical Conduct  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237-0032  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
STEPHEN ANCIER, M.D. : CHARGES

-----X

STEPHEN ANCIER, M.D., the Respondent, was authorized to practice medicine in New York State on August 12, 1985, by the issuance of license number 163647 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine from January 1, 1993 through December 31, 1994 from P.O. Box 4351, 21 Brookfield Road, Upper Montclair, New Jersey, 07043-4351.

**FACTUAL ALLEGATIONS**

A. Respondent, on or about July 13, 1985, filed his Application for License and First Registration [hereinafter "New York Application"] for a license to practice medicine in New York State.

1. Respondent answered "No" to the New York Application question,

"Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?"

when, in fact, Respondent had been convicted in 1980 of violating the New Zealand Crimes Act of 1961, §§265 and

266(1) (b) [forging a document; causing an individual to act on that forged document as if it were genuine], and was convicted of crimes in Canada in 1982 involving forging airline tickets, credit card forgery and marijuana possession and Respondent knew such facts.

amended by Dep't.  
1/5/95 JJS

2. Respondent gave ~~March~~ <sup>May</sup> 1, 1953 as his date of birth on line three of the New York Application when, in fact, Respondent's actual birth date is January 5, 1947, and Respondent knew such fact.

B. Respondent, on or about December 31, 1992, filed a Registration Application with the New York State Education Department for the period of January, 1, 1993 through December 31, 1994.

1. Respondent gave May 1, 1953 as his date of birth when, in fact, Respondent's actual birth date is January 5, 1947, and Respondent knew such fact.

C. Respondent, on or about August 12, 1980 was convicted of violating the New Zealand Crimes Act of 1961, §§265 and 266(1) (b).

1. The acts underlying those convictions would, if committed in New York State, constitute a crime under the laws of New York State, specifically Penal law ~~§170.10~~ <sup>170.05</sup>, the crime of Forgery in the Third Degree.

amended by Dep't.  
12/10/94 JJS

D. The Commonwealth of Pennsylvania, State Board of Medicine, [hereinafter "the Pennsylvania Board"], by Order dated July 25, 1989, found Respondent guilty of unprofessional conduct by providing false information in his Pennsylvania Application for a medical license, in violation of 63 P.S. §422.41(2); of immoral conduct, in violation of 63 P.S. §422.41(8); of disciplinary action in another state, in violation of 63 P.S. §422.41(4); and of failing to report such out of state disciplinary action to the Board in a timely fashion, in violation of 63 P.S. §422.37.

1. More specifically, the Pennsylvania Board based its determination ,in part, on the following:

- Respondent, upon filing an application for a license to practice medicine in Pennsylvania, answered in the negative in response to the Pennsylvania Application question,

"Have you ever been convicted of a crime (other than parking or traffic violation) in the courts of Pennsylvania or any other state, territory, or county [sic]?"

when in fact Respondent had been convicted of the New Zealand Crimes Act of 1961 §§265 and 266(1) in 1980 [forging a document; causing an individual to act on that forged document as if it were genuine], and was convicted of crimes in Canada involving forging airline tickets, credit card possession, and possessing marijuana in 1982.

- Respondent gave May 1, 1953 as his date of birth when in fact Respondent's actual birth date is January 5, 1947.
  - 2. The Pennsylvania Board suspended Respondent's license for three months and imposed a fine of two thousand dollars.
  - 3. The conduct underlying the Pennsylvania Board's finding of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(1) (McKinney Supp. 1994) [obtaining the license fraudulently] and/or N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession fraudulently] and/or N.Y. Educ. Law §6530(20) (McKinney Supp. 1994) [moral unfitness] and/or N.Y. Educ. Law §6530(21) (McKinney Supp. 1994) [willfully making or filing a false report].
- E. The State of Colorado, Board of Medical Examiners, [hereinafter "the Colorado Board"], by Final Order dated October 13, 1993, found Respondent guilty of unprofessional conduct by fraud, misrepresentation or deception in applying for, securing and seeking reinstatement of a license to practice medicine in Colorado, in violation of C.R.S. §12-36-117(1) (a), and by being convicted of an offense involving moral turpitude, in violation of C.R.S. §12-36-117(1) (f).

1. More specifically, the Colorado Board based its' determination, in part, on the following:

- Respondent failed to reveal a criminal conviction in response to the Colorado Application question:

"Have you ever received a deferred prosecution, a deferred judgment, been convicted of or pled guilty or nolo contendere to, any felony in any state territory, district, the United States, or a foreign country?"

when in fact Respondent had been convicted of the New Zealand Crimes <sup>Act</sup> ~~Act~~ of 1961 §§265 and 266(1)(b) 1980 [forging a document; causing an individual to act on that forged document as if it were genuine].

- Respondent gave May 1, 1948 as his date of birth when in fact his actual birth date is January 5, 1947.

2. The Colorado Board revoked Respondent's license to practice medicine, citing a lack of integrity on the part of Respondent evidenced by a "pattern of dishonest conduct stretching over a period of 13 years."

3. The conduct underlying the Colorado Board's finding of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(1) (McKinney Supp. 1994) [obtaining the license fraudulently] and/or N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession fraudulently] and/or N.Y. Educ. Law §6530(20) (McKinney

a. mended by Dept.  
12/8/94 *fjl*

Supp. 1994) [moral unfitness] and/or N.Y. Educ. Law §6530(21) (McKinney Supp. 1994) [wilfully making or filing a false report].

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

OBTAINING LICENSE FRAUDULENTLY

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(1) (McKinney Supp. 1994) by reason of his obtaining his license fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2.

SECOND THROUGH THIRD SPECIFICATIONS

FILING A FALSE REPORT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(21) (McKinney Supp. 1994) by reason of his willfully making or filing a false report, in that Petitioner charges:

2. The facts in Paragraphs A and A.1 and/or A.2.
3. The facts in Paragraphs B and B.1.

FOURTH THROUGH FIFTH SPECIFICATIONS

**MORAL UNFITNESS**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(20) by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

4. The facts in Paragraphs A and A.1 and/or A.2.
5. The facts in Paragraphs B and B.1.

SIXTH THROUGH SEVENTH SPECIFICATIONS

**PRACTICING THE PROFESSION FRAUDULENTLY**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) by reason of his practicing the profession fraudulently, in that petitioner charges:

6. The facts in Paragraphs A and A.1 and/or A.2.
7. The facts in Paragraphs B and B.1.

EIGHTH SPECIFICATION

**CONVICTION OF A CRIME**

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

law, in that Petitioner charges:

8. The facts in Paragraphs C and C.1.

NINTH THROUGH TENTH SPECIFICATIONS

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994) by reason of his 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:

9. The facts in Paragraphs D and D.1, D.2 and/or D.3.

10. The facts in Paragraphs E and E.1, E.2 and/or E.3.

DATED: *Nov. 7*, 1994

Albany, New York

*Peter D. Van Buren*

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