



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 18, 1997

VIA FACSIMILE TRANSMISSION

Joellen K. Stapleton, Esq.
Kern, Augustine, Conroy and Schoppman, P.C.
1120 Route 22 East
Bridgewater, New Jersey 08807

RE: Salvatore Napoli, M.D.
License No. 169104

Dear Ms. Stapleton:

Enclosed please find Order #BPMC 97-144 of the New York State Board for Professional Medical Conduct. As Dr. Napoli's Counsel, you agreed to accept service on his behalf via facsimile transmission. This Order and any penalty provided therein goes into effect upon facsimile transmission of this letter to your office by June 18, 1997.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Salvatore Napoli, M.D.
182 East Magnolia Avenue
Maywood, New Jersey 07607

Bradley C. Mohr, Esq.

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

-----X
IN THE MATTER : SURRENDER
OF : ORDER
SALVATORE NAPOLI, M.D. : BPMC # 97-144
:
-----X

SALVATORE NAPOLI, being duly sworn, says:

On or about January 9, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued license number 169104 by the New York State Education Department.

My current address is 182 East Magnolia Ave., N.J. 07607 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address up to the date that my name is removed from the roster of physicians.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I am applying to the State Board for Professional Medical

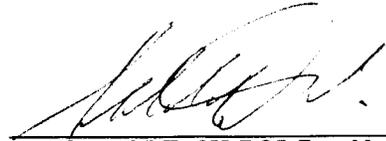
Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the charges as set forth in the specifications in the Statement of Charges (Exhibit A).

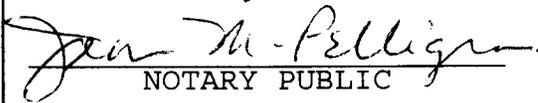
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me 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.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, an Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I understand that I will receive a copy of the signed order.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


SALVATORE NAPOLI, M.D.
Respondent

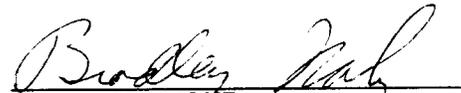
Subscribed before me this
11th day of June, 1997


NOTARY PUBLIC

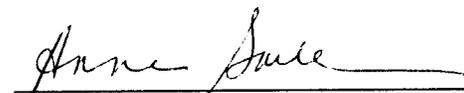
JEAN M. PELLIGRA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 5, 2000

AGREED TO:

Date: June 13, 1997


BRADLEY MOHR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: June 14, 1997


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of SALVATORE NAPOLI, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: June 17, 1997



PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
SALVATORE NAPOLI, M.D. : CHARGES

-----X

SALVATORE NAPOLI, M.D., the Respondent, was authorized to practice medicine in New York State on January 9, 1987 by the issuance of license number 169104 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent on or about September 18, 1996, by Consent Order was disciplined by the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners. The New Jersey Board's Consent Order with Respondent allows him to continue to hold his license subject to automatic suspension without notice, at the Board's discretion, if there is a failure to comply with the Consent Order, a positive urine test or a relapse or recurrence of alcohol or drug abuse. Respondent must notify the Board of any change in employment. He must submit any necessary information to the Impairment Review Committee to assist them in quarterly review of his progress. He must attend a minimum of 5 support group meetings per week and participate in an aftercare program with Physicians Health Program (PHP) at the Northern Valley Wellness

EXHIBIT A

Center as well as attend monthly face to face visits with the staff of PHP. He must abstain from mood altering chemicals and alcohol, except on prescription by the attending physician and submit to twice weekly and one random monthly urine monitoring test by the PHP. He must notify the PHP and the Board if any of the following occur: a relapse of impairment, a failure to attend scheduled meetings, erratic behavior, a positive urine test, or a failure to appear for or give a scheduled urine sample.

Respondent has also waived confidentiality of any information on his impairment and disclosures to the Board may be used in connection with licensure or disciplinary proceedings.

2. Respondent was charged by the New Jersey, Board of Medical Examiners, in the Consent Order dated September 16, 1996, upon referral from the New Jersey Impairment Review Committee, with relapsing in his use of opiates including Fentanyl and having had 2 relapses in the past 3 years.

3. The conduct resulting in the discipline imposed by the New Jersey, Board of Medical Examiners, would if committed in New York State constitute professional misconduct under New York Education Law, namely §6530(8) (being a habitual user of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(b) in that he was 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:

1. The facts of paragraphs 1, 2 and /or 3;

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(d) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts of paragraphs 1, 2 and /or 3.

DATED: May 21, 1997
Albany, New York



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