



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

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

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

PUBLIC

August 13, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stanley Howard Title, M.D.
200 West 57th Street, Suite 401
New York, NY 10019

Re: License No. 084335

Dear Dr. Title:

Enclosed please find Order #BPMC 04-178 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 20, 2004.

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 to the 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: Milton Grunwald, Esq.
Grunwald & Seman, P.C.
400 Garden City Plaza, Suite 310
Garden City, NY 11530

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

IN THE MATTER
OF
STANLEY HOWARD TITLE , M.D.

CONSENT
ORDER

BPMC No. 04-178

Upon the application of (Respondent) STANLEY HOWARD TITLE , M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 8/12/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
STANLEY HOWARD TITLE , M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

STANLEY HOWARD TITLE , M.D., representing that all of the following statements are true, deposes and says:

That on or about July 29, 1960, I was licensed to practice as a physician in the State of New York, and issued License No. 084335 by the New York State Education Department.

My current addresses are 200 W. 57th Street, Suite 401, New York, N.Y. 10019 and 142-10 Roosevelt Avenue, Flushing, N.Y. 11354, and I will advise the Director of the Office of Professional Medical Conduct of any change of addresses.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the Second Specification only as to Paragraphs A and A1-3, the Fourth Specification, and the Fifth Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(1) of the Public Health law, I shall be issued a censure and reprimand; and

Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of 36 months, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 7/29/04


STANLEY HOWARD TITLE, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: July 29, 2004


MILTON GRUNWALD, ESQ.
Grunwald & Seman, P.C.
Attorneys for Respondent

DATE: 7-29-04


PAUL STEIN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/11/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
STANLEY HOWARD TITLE, M.D.

STATEMENT
OF
CHARGES

STANLEY HOWARD TITLE, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1960, by the issuance of license number 084335 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. From in or about 1984 through on or about December 9, 1999, Respondent treated Patient A (all patients are identified in Appendix A, below), D.O.B. 4/13/66, in his offices at 142-10 Roosevelt Avenue, Flushing, New York for obesity.
1. Respondent treated Patient A for obesity without adequate medical indication.
 2. Respondent failed to adequately evaluate and treat Patient A.
 3. Respondent failed to keep an adequate record for Patient A.
- B. From on or about October 8, 2001 through on or about January 23, 2002, Respondent treated Patient B, D.O.B. 10/5/60, in his offices at 200 West 57th Street, New York, New York for obesity.
1. Respondent failed to adequately evaluate and treat Patient B.
 2. Respondent failed to keep an adequate record for Patient B.

C. From on or about November 1, 1999 through on or about October 25, 2001, Respondent treated Patient C, D.O.B. 10/15/77, in his offices at 200 West 57th Street, New York, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient C.
2. Respondent failed to keep an adequate record for Patient C.

D. From on or about June 4, 2001 through on or about January 28, 2002, Respondent treated Patient D, D.O.B. 6/3/55, in his offices at 200 West 57th Street, New York, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient D.
2. Respondent failed to keep an adequate record for Patient D.

E. From on or about August 4, 2000 through on or about January 3, 2002, Respondent treated Patient E, D.O.B. 11/19/72, in his offices at 142-10 Roosevelt Avenue, Flushing, New York for obesity.

1. Respondent failed to adequately evaluate and treat Patient E.
2. Respondent failed to keep an adequate record for Patient E.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross

negligence on a particular occasion as alleged in the facts of the following:

1. Paragraphs A and A1-3.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1-3; B and B1-2; C and C1-2; D and D1-2; and/or E and E1-2.

THIRD SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

3. Paragraphs A and A1-3; B and B1-2; C and C1-2; D and D1-2; and/or E and E1-2.

FOURTH SPECIFICATION

UNWARRANTED TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

4. Paragraphs A and A1.

FIFTH THROUGH NINTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

5. Paragraphs A and A3.
6. Paragraphs B and B2.
7. Paragraphs C and C2.
8. Paragraphs D and D2.
9. Paragraphs E and E2.

DATED: New York, New York
July 1, 2004



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

9. Respondent shall obtain a clinical competency assessment performed by a program for such assessment as directed by the Director of OPMC, if and only if, after Respondent has been subject to the practice monitoring described below for a period of six months, the Director of OPMC, in his sole discretion, determines that, based on the reports of the practice monitor, Respondent is in need of such a clinical competency assessment. This clinical competency assessment shall include but not be limited to assessment of Respondent's competency in the areas of pharmacology and weight loss monitoring. Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC within sixty (60) days of the effective date of this Order.
 - a. If it is determined by the clinical competency assessment that continuing medical education is warranted, at the direction of the Office of Professional Medical Conduct and within sixty (60) days following the completion of the clinical competency assessment, Respondent shall identify a preceptor, preferably a physician board-certified in the same specialty, to be approved, in writing, by the Director of OPMC, and shall be enrolled in a course of personalized continuing medical education. Respondent shall remain enrolled and shall fully participate in the program.
 - b. Respondent shall cause the preceptor to:
 - i. Develop and submit to the Director of OPMC for written approval a remediation plan, which addresses the deficiencies/retraining recommendations identified in the clinical competency assessment. Additionally, this proposal shall establish a timeframe for completion of the remediation program of not less than three months and no longer than twelve months.
 - ii. Submit progress reports at periods identified by OPMC certifying whether Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.
 - iii. Report immediately to the Director of OPMC if Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by Respondent.
 - c. At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by Respondent toward remediation of all identified deficiencies.
10. Respondent shall practice medicine in either private practice, hospitals or other institutional settings outside of the personalized continuing medical education program, only when monitored by a licensed physician, preferably board-certified in an appropriate specialty ("practice monitor"), proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the practice monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 30 or records of 100 per cent of his patients, whichever is fewer) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the

generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - c. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
11. Respondent shall enroll in and complete a continuing education program in the areas of pharmacology and weight loss monitoring. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period, unless the Order specifies otherwise.
 12. Respondent shall be solely responsible for all expenses associated with these terms, including fees, if any, for the clinical competency assessment, the personalized continuing medical education, or to the monitoring physician. Respondent shall provide to the Director of OPMC proof of full payment of all costs that may be charged. This term of probation shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall provide a basis for a Violation of Probation proceeding.
 13. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.