



New York State Board for Professional Medical Conduct

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

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

November 30, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Phillip
Philip Mark Milgram, M.D.
13259 Wilberly Square, #254
San Diego, CA 92128

RE: License No. ¹³²³⁵⁴143354

Dear Dr. Milgram:

Enclosed please find Order #BPMC 00-332 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 30, 2000.**

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 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: Jim Rosenberger, Esq.
2000 South Eastern Avenue
Las Vegas, Nevada 89104

Robert Bogan, Esq.

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

IN THE MATTER
OF
PHILLIP MARK MILGRAM, M.D.

SURRENDER
ORDER
BPMC #00-332

PHILLIP MARK MILGRAM, M.D., says:

On or about September 16, 1977, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 132354 by the New York State Education Department. I currently reside at 13259 Wimberly Square #254, San Diego, California 92128.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification 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 one (1) specification set forth in the Statement of Charges (Exhibit A), as I do not intend to return to the state of New York to practice medicine.

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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issue din accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: 10/18/00, 2000


 PHILLIP MARK MILGRAM, M.D.
 Respondent

AGREED TO:
 Date: 11/16, 2000


 ROBERT BOGAN
 Assistant Counsel
 Bureau of Professional Medical
 Conduct

Date: November 20, 2000


 ANNE F. SAILE
 Director, Office of Professional
 Medical Conduct

ORDER

Upon the proposed agreement of PHILLIP MARK MILGRAM, 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 the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 11/28/00, 2000


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
PHILLIP MARK MILGRAM, M.D.

STATEMENT
OF
CHARGES

PHILLIP MARK MILGRAM, M.D., the Respondent, was authorized to practice medicine in New York state on September 16, 1977, by the issuance of license number 132354 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 15, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Stipulation"), by a Decision (hereinafter "California Decision"), accepted the Surrender of Respondent's Physicians and Surgeons Certificate and required him to pay \$7,500.00 costs, based on gross negligence, repeated acts of negligence, incompetence, failure to maintain accurate records, and excessive treatment.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);

3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine);
5. New York Education Law §6530(32) (record keeping); and/or
6. New York Education Law §6530(35) (excessive tests or treatment).

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by reason of having surrendered his license to practice medicine or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *Apr 11*, 2000
Albany, New York


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