



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

February 12, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Cirelli, M.D.
8 Marion Avenue
Glens Falls, New York 12803

Re: NY License No. 082998

Dear Dr. Cirelli:

Effective Date: 02/19/96

Enclosed please find Order #BPMC 96-18 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.

Chair

Board for Professional Medical Conduct

Enclosure

cc: Barry Gold, Esq.
Thuillez, Ford, Gold & Conolly
90 State Street
Albany, New York 12207

Karen Carlson, Esq.

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

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IN THE MATTER :
OF : ORDER
JOHN CIRELLI, M.D. : BPMC #96-18

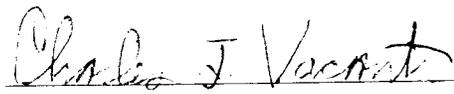
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Upon the application of John Cirelli, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

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 by certified mail, whichever is earliest.

SO ORDERED,

DATED: 21 February 1996



Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

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IN THE MATTER : APPLICATION
OF : FOR
JOHN CIRELLI, M.D. : CONSENT

: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2-1-96

John Cirelli, M.D.
Respondent

DATE: February 1, 1996

Barry Gold, Esq.
Attorney for Respondent

DATE: February 5, 1996

Karen Eileen Carlson
KAREN EILEEN CARLSON
Assistant Counsel
Bureau of Professional
Medical Conduct

John Cirelli

JOHN CIRELLI, M.D.
RESPONDENT

Sworn to before me this

15th day of *February*

, 1996.

Barry A. Gold
NOTARY PUBLIC

BARRY A. GOLD
Notary Public - State of New York
Qualified in Albany County
Registration No. 6554020
Commission Expires *1/31/97*

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

-----X

IN THE MATTER : APPLICATION
OF : FOR
JOHN CIRELLI, M.D. : CONSENT
: ORDER

-----X

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

John Cirelli, M.D., being duly sworn, deposes and says:
That on or about September 14, 1959, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 082998 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a physician in the State of New York
for the period January 1, 1995 through June 30, 1997.

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

A copy of the Statement of Charges is annexed hereto, made a
part hereof, and marked as Exhibit A.

I admit guilt to Specification Number 2, Physical Abuse in
full satisfaction of the charges against me.

I hereby agree to the penalty of a five year suspension of

my license to practice medicine with ³⁰~~four~~ ^{three(3)} months of that time in actual suspension, to begin April 1, 1996, and the remaining time (both before and after the actual suspension) on probation. The probation is to include a chaperone with all female patients and monitoring, both as directed of the Office of Professional Medical Conduct.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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 issued in accordance with same.

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

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOHN CIRELLI, M.D. : CHARGES

-----X

John Cirelli, M.D., the Respondent, was authorized to practice medicine in New York State on September 14, 1959 by the issuance of license number 082998 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1995, through June 30, 1997, with a registration address of 8 Marion Avenue, Glens Falls, New York, 12803.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A [all patients are identified in Appendix] on or about March 30, 1992, at the Whitehall Health Center, 65 Poultney Street, Whitehall, New York [hereinafter the "Health Center"].
1. Respondent, while listening to Patient A's chest through a stethoscope, cupped his hands around each of Patient A's breasts, which was not medically justified.

2. Respondent failed to maintain adequate records for Patient A.

B. Respondent, provided medical care to Patient B on or about July 1, 1992 at the Health Center.

1. Respondent, while listening to Patient B's chest through a stethoscope, cupped Patient B's left breast with his hand which was not medically justified.

2. Respondent failed to maintain adequate records for Patient B.

C. Respondent, provided medical care to Patient C on or about September 9, 1992 at the Health Center.

1. Respondent moved Patient C's shorts and underwear aside and rubbed her bare buttocks which was not medically justified.

2. Respondent placed his thumb inside Patient C's brassiere and lifted Patient C's breast and nipple up and out of her brassiere, which was not medically justified.

3. Respondent failed to maintain adequate records for Patient C.

D. Respondent provided medical care to Patient D on or about September 18, 1992 at the Health Center.

1. Respondent directed Patient D to remove her brassiere and, while standing behind Patient D, placed his hands on each of her breasts, which was not medically justified.
2. Respondent failed to maintain adequate records for Patient D.

SPECIFICATIONS

FIRST THROUGH FOURTH SPECIFICATIONS

PHYSICAL ABUSE OR HARASSMENT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(31) (McKinney Supp. 1995) by reason of his wilfully harassing or abusing a patient physically, in that Petitioner charges:

1. The facts in paragraphs A and A.1.
2. The facts in Paragraphs B and B.1.
3. The facts in Paragraphs C and C.1 and/or C.2.
4. The facts in Paragraphs D and D.1.

FIFTH THROUGH EIGHTH SPECIFICATIONS
MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) (McKinney Supp. 1995) by reason of his having engaged in conduct in the practice of medicine which evidences moral unfitness to practice medicine in that Petitioner charges:

5. The facts in Paragraphs A and A.1.
6. The facts in Paragraphs B and B.1.
7. The facts in Paragraphs C and C.1 and/or C.2.
8. The facts in Paragraphs D and D.1.

NINTH THROUGH TWELFTH SPECIFICATIONS
RECORD KEEPING

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(32) (McKinney Supp. 1995) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

9. The facts in Paragraphs A and A.2.
10. The facts on Paragraphs B and B.2.
11. The facts in Paragraphs C and C.3.
12. The facts in Paragraphs D and D.2.

DATE:

2/13/96

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE:

7 February 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

TERMS OF PROBATION

1. John Cirelli, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession and with all civil and criminal laws, rules and regulations;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall notify the Office of Professional Medical Conduct of any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility within thirty days of each action;
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
7. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt

collection by the State of New York. This includes but is 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).

8. Respondent shall have a practice monitor/chaperone present for all examinations of any female patients. This practice monitor/chaperone is to be approved prior to use by the Office of Professional Medical Conduct. This practice monitor/chaperone shall be required to report as directed to the Office of Professional Medical Conduct.
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

DATED: *January 10*, 1996
Albany, New York

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