



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
Commissioner

Dennis P. Whalen  
Executive Deputy Commissioner

**PUBLIC**

January 10, 2005

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul Stein, Esq.  
NYS Department of Health  
5 Penn Plaza -6<sup>th</sup> Floor  
New York, New York 10001

Leonard Leonardi, M.D.  
6608 NW 109<sup>TH</sup> Avenue  
Parkland, Florida 33076

**RE: In the Matter of Leonard Leonardi, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 05-06) 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 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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), "the 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 penalties other than suspension or revocation 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.

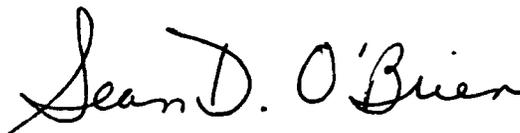
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,



Sean D. O'Brien, Director  
Bureau of Adjudication

SDO:cah  
Enclosure

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

**IN THE MATTER  
OF  
LEONARD LEONARDI, M.D.**

**DETERMINATION**

**AND**

**ORDER**

**BPMC #05-06**

**COPY**

**MILTON O.C. HAYNES, M.D., Chairperson, NEIL J. MACY, M.D. and JAMES J. DUCEY, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. CHRISTINE C. TRASKOS, ESQ., served as Administrative Officer for the Hearing Committee. The Department of Health appeared by DONALD P. BERENS, Jr., General Counsel, PAUL STEIN, ESQ., Associate Counsel, of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.**

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

**STATEMENT OF CHARGES**

The accompanying Statement of Charges alleged one (1) specification of professional misconduct for failure to comply with an order for an examination pursuant to Public Health Law § 230(7). The charge is more specifically set forth in the Statement of Charges dated November 9, 2004, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

**SUMMARY OF PROCEEDINGS**

Notice of Hearing Date:	November 9, 2004
Hearing Date:	December 9, 2004

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

**FINDINGS OF FACT**

1. LEONARD LEONARDI, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 30, 1986, by the issuance of license number 166234 by the New York State Education Department. (Petitioner's Exhibit 2)
2. On April 22, 2004, a committee on professional conduct, after affording Respondent an opportunity to be heard before it, which Respondent failed to do, and after reviewing information presented by the Office of Professional Medical Conduct, found reason to believe that Respondent may be impaired by alcohol, drugs, or a physical or mental

disability. In an order issued April 22, 2004, pursuant to N.Y. Public Health Law Section 230(7), the committee directed Respondent to submit to an examination by a physician or physicians at Healthcare Connection in Tampa, Florida, such examination to be commenced no later than May 21, 2004. This order was duly served on Respondent by certified mail, return receipt requested, mailed on April 26, 2004 and delivered to Respondent's residence on May 1, 2004. (Petitioner's Exhibits 3, 4, 5, and 6)

3. To date, Respondent has failed to submit to the examination that was ordered. (Petitioner's Exhibit 7)
4. To date, Respondent has failed to answer the Statement of Charges. (Petitioner's Exhibit 7 and Transcript of December 9, 2004 at Page 16 )

## **CONCLUSIONS OF LAW**

### **Jurisdiction**

Petitioner's good faith efforts to serve Respondent at his last known address with the Notice of Hearing and Statement of Charges were sufficient to confer jurisdiction over Respondent. As per Petitioner's motion, the Administrative Law Judge ruled that Respondent admitted all of the charges and allegations of the Statement of Charges for his failure to file an answer to the Charges pursuant to §230 (10)(c) of the Public Health Law.

**FIRST SPECIFICATION - FAILURE TO COMPLY WITH AN ORDER**

The Hearing Committee concludes that the First Specification, committing professional misconduct as defined in N.Y. Educ. Law §6530(15) by failing to comply with an order issued pursuant to Public Health Law § 230(7), is sustained as the facts set forth in Paragraphs A and A1.

**DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a unanimous vote that Respondent's license to practice medicine in the State of New York should be and is hereby 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, the imposition of monetary penalties and dismissal in the interests of justice.

The Hearing Committee finds that Respondent continues to disregard the Order for an examination to determine if he may be impaired by alcohol, drugs or a physical or mental disability. They conclude that the public must be protected against impaired physicians who pose a risk of harm to patients treated in the State of New York. Under the totality of the circumstances, the Hearing Committee

concludes that this penalty is commensurate with the level and nature of Respondent's professional misconduct.

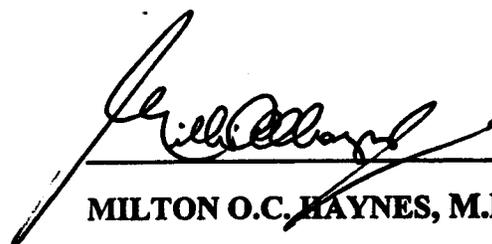
**ORDER**

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

1. The First Specification of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**; and
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**;
3. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: New York, New York**

Jan. 7, 2005



**MILTON O.C. HAYNES, M.D.**

**(Chairperson)**

**NEIL J. MACY, M.D.**

**JAMES J. DUCEY**

**TO: Paul Stein Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza- 6<sup>th</sup> Fl.  
New York, NY 10001**

**Leonard Leonardi, M.D..  
6608 NW 109<sup>th</sup> Avenue  
Parkland, FL 33076**

# **APPENDIX I**

IN THE MATTER OF LEONARD LEONARDI, M.D.

Index No.

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ Plaintiff(s)

AFFIDAVIT OF SERVICE

Defendant(s)

NOTICE OF HEARING: STATEMENT OF CHARGES: SUMMARY OF DEPARTMENT OF HEALTH HEARING RULES

STATE OF NEW YORK: COUNTY OF NEW YORK ss:  
FLORIDA BROWARD

DAVID LONG BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK FLORIDA

(date, time & address)  
That on NOVEMBER 12, 2004 at 2:15 P.M. at 6608 NW 109th AVENUE, PARKLAND, FL., 33076 deponent served the within notice of hearing, statement of charges: summary of department of health hearing rules therein named,

LEONARD LEONARDI, M.D.

INDIVIDUAL

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein.  (S) He identified (her) himself as such.

A

CORPORATION

a (domestic) (foreign) corporation by delivering theret a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof

B

SUITABLE AGE PERSON

by delivering theret a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state.  (S) He identified (her) himself as of recipient

C

APPEALING TO DOOR, ETC.

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, theret, having called there on the dates below:

D

MAILING USE WITH C or D

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient and deposited at

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	BLACK	30	5/8	160

MILITARY SERVICE

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

~~XXXXXXXXXX~~

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.



USE IN NYC CIVIL CT.

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before me on the 12th day of NOVEMBER, 2004

*Melvin A. Gross*



Melvin A. Gross  
Commission #DD15997  
Expires: Oct 03, 2006  
Bonded Title & Insurance  
Atlantic Bonding Co., Inc.

*David Long*  
DAVID LONG

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

IN THE MATTER  
OF  
LEONARD LEONARDI, M.D.

NOTICE  
OF  
HEARING

TO: LEONARD LEONARDI, M.D.  
6608 NW 109<sup>th</sup> Avenue  
Parkland, FL 33076

**PLEASE TAKE NOTICE:**

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on December 9, 2004, at 9:30 a.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, 6<sup>th</sup> Floor, New York, New York 10001, 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 New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), 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.

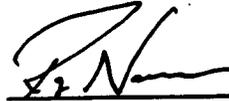
Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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 OTHER SANCTIONS SET

OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU  
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU  
IN THIS MATTER.

DATED: New York, New York  
November 9, 2004



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be directed to:

Paul Stein, Associate Counsel  
Bureau of Professional Medical Conduct  
5 Penn Plaza, 6<sup>th</sup> Floor  
New York, NY 10001  
(212) 268-6806

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

IN THE MATTER  
OF  
LEONARD LEONARDI, M.D.

STATEMENT  
OF  
CHARGES

LEONARD LEONARDI, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 30, 1986, by the issuance of license number 166234 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On April 22, 2004, a committee on professional conduct, after affording Respondent an opportunity to be heard before it, which Respondent failed to do, and after reviewing information presented by the Office of Professional Medical Conduct, found reason to believe that Respondent may be impaired by alcohol, drugs, or a physical or mental disability. In an order issued April 22, 2004, pursuant to N.Y. Public Health Law Section 230(7), the committee directed Respondent to submit to an examination by a physician or physicians at Healthcare Connection in Tampa, Florida, such examination to be commenced no later than May 21, 2004. This order was duly served on Respondent by certified mail, return receipt requested, mailed on April 26, 2004 and delivered to Respondent's residence on May 1, 2004.
1. To date, Respondent has failed to submit to the examination that was ordered.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**FAILURE TO COMPLY WITH AN ORDER**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(15) by failing to comply with an order issued pursuant to subdivision seven of section two hundred thirty of the public health law, as alleged in the facts of:

1. Paragraphs A and A1.

DATED: New York, New York  
November 9, 2004



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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct