



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

August 7, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Thomas A. Mikolinnas, M.D.
167 Seventh Street
Leominster, Massachusetts 01453

Re: License No. 178065

Dear Dr. Mikolinnas:

Enclosed please find Order #BPMC 97-197 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
433 River Street - Suite 303
Troy, New York 12180-2299

Sincerely,

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

Enclosures

cc: Michelle R. Rosano, Esq.
Mirick, O'Connell, DeMallie & Lougie, LLP
1700 Bank of Boston Tower
100 Front Street
Worcester, Massachusetts 01608-1477

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
THOMAS ALPHONSE MIKOLINNAS, M.D.

SURRENDER
ORDER
BPMC #97-197

Upon the proposed agreement of THOMAS ALPHONSE MIKOLINNAS, M.D. (Respondent) 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 application 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.

SO ORDERED.

DATED: August 5, 1997


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

**IN THE MATTER
OF
THOMAS ALPHONSE MIKOLINNAS, M.D.**

**SURRENDER
OF
LICENSE**

THOMAS ALPHONSE MIKOLINNAS, M.D. being duly sworn, deposes and says:

1. On or about April 24, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 178065 by the New York State Education Department.
2. My current address is 167 Seventh Street, Leominster, MA 01453.
3. 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".
4. I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations in the Statement of Charges, in full satisfaction of the Statement of Charges.
5. I hereby make this application to the State Board of Professional Medical Conduct and request that it be granted.
6. I understand that, in the event that the application 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 or 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 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.

7. I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

8. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

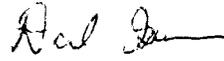
Thomas Alphonse Mikolinnas MD
THOMAS ALPHONSE MIKOLINNAS, M.D.
RESPONDENT

Sworn to before me this 24 day of July, 1997.

[Signature]
Notary Public
My Commission Expires: 8/21/2003

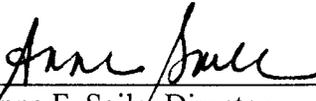
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 7/25/97



Daniel Guenzburger, Assistant Counsel
Bureau of Professional Medical Conduct

Dated: 8/1/97



Anne F. Saile, Director
Office of Professional Medical Conduct

**IN THE MATTER
OF
THOMAS ALPHONSE MIKOLINNAS, M.D.**

STATEMENT
OF
CHARGES

THOMAS ALPHONSE MIKOLINNAS, M.D. the Respondent, was authorized to practice medicine in New York State on or about April 24, 1989, by the issuance of license number 178065 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 27, 1995, the Board of Regulation in Medicine of the State of Massachusetts ("Board") found, based upon admissions in a Consent Order, that Respondent violated Massachusetts Administrative Code Title 243 §103(5)(a) 10. ("Practicing medicine deceitfully, or engaging in conduct which has the capacity to deceive or defraud.")

The Board found that Respondent falsely answered "No" to a question on his licensure renewal form that asked whether the renewal applicant had ever been charged with any criminal offense within the previous two years. Contrary to Respondent's answer, the Respondent had been arrested and charged in the Worcester District Court with payment for sex in violation of Massachusetts General Laws Chapter 272, §53A. The Board censured Respondent and fined him \$2,500.00.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law. §6530(9)(b) (McKinney Supp. 1997) by having been 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 (namely N.Y. Educ. Law §6530(2) (McKinney Supp. 1997) (“Practicing the profession fraudulently”) and §6530(21) (“Willfully making or filing a false report”), as alleged in the facts of the following:

1. Paragraph A.

SECOND SPECIFICATION

SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1997) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other

disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(2) (McKinney Supp. 1997) (“Practicing the profession fraudulently”) and §6530(21) (“Willfully making or filing a false report”) as alleged in the facts of the following:

2. Paragraph A.