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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Office of Professional Medical Conduct

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Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

December 1, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alexander Rozenberg, M.D.

REDACTED

Re: AR Medical Art, P.C.

Dear Dr. Rozenberg:

Enclosed please find Order BPMC #10-245 issued by the New York State Board for Professional Medical Conduct. This order carries the penalty of revocation of the certificate of incorporation for the professional corporation listed and goes into effect December 8, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Nathan Dembin, Esq.
1123 Broadway, Suite 1117
New York, NY 10010

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

IN THE MATTER OF AR MEDICAL ART, P.C.	ORDER BPMC No. #10-245

Upon the proposed Consent Agreement and Order of **AR MEDICAL ART, P.C.**, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the Respondent's certificate of incorporation, which was filed by the Department of State on February 8, 2000, is hereby revoked such that the revocation shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation.

ORDERED, that the proposed agreement and the provisions thereof, including the Appendix to this Order, are hereby adopted; 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 of this Order to the Respondent's attorney at the address set forth in this agreement or upon transmission via facsimile to the Respondent in care of Alexander Rozenberg, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: 12/1/10

REDACTED

Kendrick A. Sears, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER OF AR MEDICAL ART, P.C. CO-09-04-2620-A	CONSENT AGREEMENT AND ORDER

The Respondent, **AR MEDICAL ART, P.C.**, says:

The Respondent is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on February 8, 2000 to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation shall be effective immediately and shall be self-executing, provided, however, that pursuant to Article 10 of the Business Corporation Law, the Respondent will be permitted to wind up its affairs, including, but not limited to, collection of outstanding accounts receivables,

notwithstanding this revocation, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation, and the Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent acknowledges that it has been charged with professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the Specification of the Statement of Charges in full satisfaction of all such allegations and specifications.

The Respondent agrees that, in the event the State Board for Professional Medical Conduct agrees with its proposal, this Consent Agreement and Order shall be issued revoking its certificate of incorporation. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, except for the application of the provisions of Article 10 of the Business Corporation Law, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation. The Respondent agrees, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties.

The Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Consent Agreement and Order by providing written responses, attending meetings or providing documentation concerning verification of its compliance with the terms of this Consent Agreement and Order.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

The Respondent acknowledges 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 it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it 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.

The Respondent agrees that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms.

The Respondent agrees that this Consent 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 it in care of Alexander Rozenberg, M.D., Director, _____ REDACTED _____, or to its attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

The Respondent stipulates that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. The Respondent asks the Board to adopt this Consent Agreement of its own free will and not under duress, compulsion or restraint. In consideration of the value to it of the Board's adoption of this Consent Agreement, allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives its right to contest the Consent Order for which it applies, whether administratively or judicially, the Respondent agrees to be bound by the Consent Order, and the Respondent asks that the Board adopt this Consent Agreement.

The Respondent understands and agrees that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon the Respondent's application, or to decline to do so. The Respondent further understands and agrees that no prior or separate written or oral communication can limit that discretion.

The Respondent is making this application through its Director and Shareholder, Alexander Rozenberg, M.D., and the Respondent and Alexander Rozenberg, M.D., warrant that he has the necessary corporate authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of the Respondent's certificate of incorporation.

Date: 11/18, 2010

AR Medical Art, P.C.

REDACTED

By: _____
Alexander Rozenberg, M.D.
President and Shareholder

AGREED TO:

Date: 11/18, 2010

REDACTED

Nathan L. Dembin, Esq.
Attorney for Respondent

Date: 11/19, 2010

REDACTED

Michael G. Bass, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 11/24, 2010

REDACTED

Keith W. Servis
Director, Office of
Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF AR MEDICAL ART, P.C. CO-09-04-2620-A	STATEMENT OF CHARGES

AR MEDICAL ART, P.C., Respondent, is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on February 8, 2000, to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to New York Business Corporation Law Section 1503(d).

FACTUAL ALLEGATIONS

A. A professional service corporation may be organized by one or more individuals who are duly authorized by law to render the same professional service, pursuant to New York Business Corporation Law Section 1503(a).

B. On or about February 8, 2000, by a certificate of Incorporation, Respondent was formed as a professional service corporation, with ALEXANDER ROZENBERG, M.D. as the sole shareholder, director, and officer of such corporation.

C. From on or about February 8, 2000, to the present, ALEXANDER ROZENBERG, M.D. is and was the sole shareholder, director, and officer of Respondent.

D. On or about February 20, 2009, in the Supreme Court of the State of New York, County of Kings, Criminal Term: Part 33, New York, Respondent was found guilty, in a contested matter, of one (1) count of Scheme to defraud in the first degree, in violation of New York Penal Law §190.65, a class E felony, five (5) counts of Falsifying business records in the first degree, in violation of New York Penal Law §175.10, a class E felony, and four (4) counts of Insurance fraud in the fifth degree, in violation of New York Penal Law §176.10, a class A misdemeanor, and on or about June 30, 2009, was sentenced, on each count of Scheme to

defraud in the first degree and Falsifying business records in the first degree, to a three (3) year conditional discharge, and on each count of Insurance fraud in the fifth degree, to one (1) year conditional discharge, all concurrent with each other, and a $250.00 surcharge and a $25.00 CVAF.

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A, B, C, and/or D.

DATED: March 8, 2010
Albany, New York

REDACTED

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