



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner of Health

May 18, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Chait, M.D.
P.O. Box 2193
524 Montauk Highway, Suite 102
Amagansett, NY 11930

Re: License # 184042

Dear Dr. Chait:

Enclosed is a copy of your **Non-disciplinary Order of Conditions** precluding the practice of medicine pursuant to Public Health Law Section 230. The order is effective May 25, 2007.

Sincerely,

Redacted Signature

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

cc: Craig Schaum, Esq.
Schaum Law Offices
600 Old Country Road, Suite 320
Garden City, NY 11530-2021

Enclosure

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

IN THE MATTER
OF
MICHAEL CHAIT, M.D.

INTERIM
NONDISCIPLINARY
ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

Upon the application of MICHAEL CHAIT, M.D. (Licensee) in the attached Stipulation and Application for an Interim Nondisciplinary Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, which is made a part of this Interim Nondisciplinary Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, it is agreed that

- the Application, and its terms, are adopted, and
- this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Order by first class mail to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, or upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

SO ORDERED.

DATE: 5-17-2007

Redacted Signature

~~KENDRICK A. SEARS, M.D.~~
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
MICHAEL CHAIT, M.D.

STIPULATION AND
APPLICATION
FOR AN INTERIM
NONDISCIPLINARY
ORDER OF
CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

MICHAEL CHAIT, M.D., ("Licensee") representing that all of the following statements are true, *deposes and says*:

That on or about September 27, 1990, I was licensed to practice as a physician in the State of New York, and issued License No. 184042 by the New York State Education Department.

My current address is P.O. Box 2193, 624 Montauk Highway, Suite 102, Amagansett, NY 11930 and/or c/o Craig Schaum, Esq., Schaum Law Offices, 600 Old Country Road, Suite 320, Garden City, NY 11530-2021. I am affiliated with the following hospital and/or facilities:

I will notify the Director of the Office of Professional Medical Conduct ("the Director") of any change in my residence, employment, medical practice addresses or hospital affiliations.

I understand that the New York State Board for Professional Medical Conduct ("the Board") is investigating alleged misconduct by me with respect to the issues set forth in attached Exhibit "A" ("matters under investigation") and is authorized, under appropriate facts, to pursue a summary proceeding pursuant to N.Y. Pub. Health Law § 230(12). I ask that the Department agree to forego pursuit of a summary proceeding, as it is in my interest to avoid the attendant procedural and scheduling burdens, which would be absent in a full investigation and possible proceeding pursuant to N.Y. Pub. Health Law § 230(10).

To accomplish this, I hereby offer to be bound by an Interim Order of Conditions, issued by the Board upon my agreement and that of the Department of

Health, that will preclude my practice of medicine in New York State and in any other setting in which my privilege to practice is based solely upon my New York license. Such Order will continue in effect until:

- a determination by the Director of the Office of Professional Medical Conduct that no hearing is warranted; or
- the resolution by consent order of the matters under investigation; or
- issuance and service of a Hearing Committee's Determination and Order after the conclusion of a hearing held pursuant to a determination by the Director of the Office of Professional Medical Conduct. If a hearing is held, the Hearing Committee's Determination and Order shall replace this Interim Order of Conditions. If either party requests review by the Administrative Review Board, the Hearing Committee's Determination and Order, and any sanction, terms or conditions imposed upon me, shall remain in effect until the AHB renders its determination and shall, in the same manner as a Commissioner's Order pursuant to N.Y. Pub. Health Law § 230-c(4), not be subject to a stay.

I understand that nothing in this Application shall be construed as an admission by me of any act of alleged misconduct or as a finding of misconduct as to the matters under investigation. My application for the proposed Interim Order is made in consideration of the value to me of the Board's allowing me to continue to provide explanation of the issues under investigation to the Office of Professional Medical Conduct ("OPMC") and, if the Board pursues disciplinary proceedings against me, to allow for additional preparation time. I deny any acts of misconduct and reserve my right to assert all defenses on my behalf in any later or other proceeding.

This Interim Order shall set the following Conditions upon my License to practice as a physician in the State of New York:

1. Licensee shall be precluded from all patient contact and any practice of medicine, clinical or otherwise. Licensee shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition.
2. Licensee shall, within thirty days of the issuance of the Consent Order, notify the New York State Education Department, Division of

Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within thirty days thereafter.

3. Licensee shall return any and all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within thirty days of returning said prescriptions and surrendering said registration, Licensee shall provide documentary proof of such transaction(s) to the Director of OPMC
4. Licensee's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Licensee as defined in N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of this Order and may subject Licensee to an action pursuant to N.Y. Pub. Health Law § 230.
5. Licensee shall provide the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2298 with the following information, in writing, and ensure that such information is kept current: a full description of Licensee's employment; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
6. Licensee shall cooperate fully with OPMC in its administration and enforcement of this Interim Order and in its investigation of Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of compliance with the terms of this Interim Order. Licensee shall meet in person with the Director's designee, as directed. Licensee shall respond promptly and provide all documents and information within Licensee's control, as directed.
7. Licensee shall preserve all medical records regarding the evaluation and treatment of patients prior to the issuance of this order.

8. The Director may review Licensee's past professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Licensee and staff at Licensee's office locations or OPMC offices.
9. Licensee shall provide access for DOH personnel to Licensee's office(s) to verify Licensee's compliance with this Interim Order; this access shall include, but not be limited to, on-site inspections, observation and interviews.
10. Licensee shall comply with this Order and all its terms, and shall bear all associated compliance costs.

I stipulate that:

My failure to comply with the Conditions imposed by this Interim Order shall constitute professional misconduct as defined by N.Y. Educ. Law § 6530(29); and

Any practice of medicine by me in New York State in violation of this Interim Order shall be unauthorized and constitute professional misconduct as defined by N.Y. Educ. Law § 6530(2); and

Unauthorized medical practice is a felony as defined by N.Y. Educ. Law § 6512.

I understand and agree that my failure to comply with any of the terms of this Interim Order shall authorize the Director, exercising reasonable discretion, to vacate the Interim Order and to pursue further investigation and/or prosecution of misconduct charges against me as to the issues under investigation to the full extent authorized by N.Y. Pub. Health Law and N.Y. Educ. Law.

I understand that an Interim Order issued upon this Application does not limit the Department's authority to investigate or pursue proceedings pursuant to N.Y. Pub. Health Law § 230(10) in any respect, and does not limit the Department's authority to proceed pursuant to N.Y. Pub. Health Law § 230(12) based upon allegations of violations of N.Y. Educ. Law § 6530 unrelated to the issues set forth in Exhibit "A."

I agree that, if the Board grants this Application, the Chair of the Board shall issue an Interim Order of Conditions in accordance with its terms. I further agree that the Department of Health shall notify the National Practitioner Data Bank and the Federation

of State Medical Boards of this Interim Order of Conditions pursuant to N.Y. Pub. Health Law § 230 and that the change in my licensure status is not disciplinary in nature. This Interim Order of Conditions shall be a public document and shall be posted on the Department of Health website(s).

I make this Application of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Application, I waive my right to contest the Interim Order for which I apply, whether administratively or judicially, I agree to be bound by the Interim Order, and I ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Interim Order, based upon my Application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

5/10/2007
DATE

Redacted Signature

MICHAEL CHAIT, M.D.
Licensee

Redacted Signature

JOSEPH A. LOPICCOLO
NOTARY PUBLIC, State of New York
No. 02L00019938
Qualified in N.Y. since 2003
Commission Expires February 16, 2011

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

IN THE MATTER
OF
MICHAEL CHAIT, M.D.

STIPULATION AND
APPLICATION
FOR AN INTERIM
NONDISCIPLINARY
ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW §230

The undersigned agree to Licensee's attached Application and to the issuance of the proposed Interim Nondisciplinary Order of Conditions Pursuant to N.Y. Pub. Health Law § 230.

DATE: 5/14/07

Redacted Signature

~~CRAIG BCHAUM, ESQ.~~
Attorney for Licensee

DATE: 5/14/07

Redacted Signature

~~ROY NEMERSON~~
Deputy Counsel
Bureau of Professional Medical Conduct

DATE: 5/15/07

Redacted Signature

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct