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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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MEDICAL CONDUCT

PUBLIC

September 28, 2004

Samuel Rosati, Physician
Post Office Box 888
Lockport, New York 14095

Re: Application for Restoration

Dear Dr. Rosati:

Enclosed please find the Commissioner's Order regarding Case No. CP-04-08 which is in reference to Calendar No. 20893. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: *Gustave Martine*

Gustave Martine
Supervisor

cc: Wendy Stimpfl, Esq.
Tabak & Stimpfl
190 EAB Plaza
East Tower - 15th Floor
Uniondale, New York 11556-0190

The
University of the
Education  State of New York
Department

IN THE MATTER

of the

Application of SAMUEL ROSATI
for restoration of his license to
practice as a physician in the State of
New York.

Case No. CP-04-08

It appearing that the license of SAMUEL ROSATI, P.O. Box 888, Lockport, New York 14095, to practice as a physician in the State of New York, was surrendered pursuant to a consent order of the State Board for Professional Medical Conduct, effective July 8, 1999, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on June 22, 2004, it is hereby

ORDERED that the petition for restoration of License No. 178799, authorizing SAMUEL ROSATI to practice as a physician in the State of New York, is denied, but that the Order of Surrender of said license is stayed for three years, and said SAMUEL ROSATI is placed on probation for a period of three years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York be fully restored.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this 
day of August, 2004.


Commissioner of Education

Case No. CP-04-08

It appearing that the license of SAMUEL ROSATI, P.O. Box 888, Lockport, New York 14095, to practice as a physician in the State of New York, was surrendered pursuant to a consent order of the State Board for Professional Medical Conduct, effective July 8, 1999, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on June 22, 2004, it was

VOTED that the petition for restoration of License No. 178799, authorizing SAMUEL ROSATI, to practice as a physician in the State of New York, be denied, but that the Order of Surrender of said license is stayed for three years, and said SAMUEL ROSATI is placed on probation for a period of three years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.

Case number
CP-04-08
May 14, 2004

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: Samuel Rosati

Attorney: Wendy Stimpff

Samuel Rosati, P.O. Box 888, Lockport, New York 14095, petitioned for restoration of his physician license. The chronology of events is as follows:

- 07/03/89 Issued license number 178799 to practice as a physician in New York State.
- 06/22/99 Applied to Department of Health to surrender physician license.
- 07/08/99 Effective date of surrender.
- 08/09/02 Application for restoration submitted.
- 09/18/03 Peer Committee restoration review.
- 12/31/03 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 03/31/04 Committee on the Professions restoration review.
- 05/14/04 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) On June 22, 1999, Dr. Rosati submitted an application to surrender his license to the Department of Health after being charged with one specification of professional misconduct, namely, having been convicted of an act constituting a crime under federal law. The Department of Health alleged that on or about April 27, 1999, in the United States District Court for the Western District of New York, Dr. Rosati entered a plea of guilty and was found guilty of

a violation of Title 18, United States Code, Section 287 (False Claims Against The United States), and Title 18, United States Code, Section 1347 (Health Care Fraud). His crimes related to his fraudulently obtaining money from Medicare and two Health Maintenance Organizations. In his application to surrender his license, Dr. Rosati stated that he did not contest the charge of professional misconduct. The Department of Health accepted the surrender of his license, effective July 8, 1999.

On August 9, 2002, Dr. Rosati submitted an application for restoration of his license.

Recommendation of the Peer Committee. (See attached "Report of the Peer Committee.") The Peer Committee (Colgan, Lee, Vorhaus II) met with Dr. Rosati on September 18, 2003 to review his application for restoration. In its report, dated December 31, 2003, the Committee voted unanimously to recommend that the order of surrender be stayed and that he be placed on probation for three years under specified terms, including being supervised and not being responsible for patient billing.

Recommendation of the Committee on the Professions. On March 31, 2004, the Committee on the Professions (Duncan-Poitier, Templeman, Hansen) met with Dr. Rosati to review his application for restoration. Wendy Stimpfl, his attorney, accompanied him. Dr. Rosati presented the Committee with documentation of additional continuing medical education courses he completed, his attendance at grand rounds for the past two years at Niagara Falls Memorial Medical Center, and his continuing active membership in the American Academy of Family Physicians.

The Committee asked Dr. Rosati to explain what led to the loss of his license. He replied that he overbilled Medicare and two HMOs. He indicated that at the time he felt that he was not earning as much money as he should have been as a family practitioner and that the reimbursement fees from Medicare and the HMOs did not adequately compensate him for the type of care he provided to his patients. Dr. Rosati said that two physicians and physician assistants worked in his practice at the time, but that neither physician wanted to become a partner and share economic responsibility for the practice. He told the Committee that he worked in the Emergency Room Intensive Care Unit nights and weekends to supplement his income. Dr. Rosati said, "I crossed the line" when he started overbilling Medicare and the HMOs. He stated, "I was stupid and professionally reckless." He indicated that he now realizes that he was "arrogant, prideful, and greedy." He told the Committee, "What I did was absolutely wrong. Other physicians had better ethical standards than I had." He described how his professional misconduct hurt the profession and other physicians and how his greed deprived others from possibly receiving benefits from Medicare.

Dr. Rosati said that he loves medicine and is "a better person than what's on paper." He indicated that he now has "better character" and has had a "spiritual awakening" after becoming a Christian. Dr. Rosati said that he saw a professional therapist to help him better understand the underlying causes of his misconduct. He indicated that he assumes full responsibility for what he did and realizes that he must

take the punishment for his reckless actions and "start over." Dr. Rosati said that he has spoken to three classes of fraud investigators to provide them with insight from a person who conducted fraudulent billings. He reported that the invitation to participate in those classes came from the investigator who handled his case. As part of the class, Dr. Rosati reported that the investigator put his overbilling numbers "on the big screen," and that after seeing the numbers, he was shocked and realized he was out of control at the time. Dr. Rosati reported that he has also discussed his illegal activities and subsequent experiences with future physicians in a residency program.

Dr. Rosati indicated that he has remained current in his profession. He described the continuing education courses he continues to take, his participation in grand rounds at Niagara Falls Memorial Medical Center, and his current active membership in the American Academy of Family Physicians. He indicated that he is able to observe clinical situations and discuss cases with teaching physicians.

The Committee asked Dr. Rosati if he has made restitution payments and if he is currently employed. He replied that after his conviction he sold vacant property and turned over one-half of the proceeds toward the restitution amount. He indicated that his wife received the remaining one-half of the proceeds in a divorce settlement. Dr. Rosati said that he has made payments of ten percent of his income each month and that, with accrued interest, he probably has around \$250,000 to still pay. He indicated that if his license were restored, he could more rapidly erase this obligation. Dr. Rosati said that he is currently working as a used car salesman. He told the Committee that it is a humbling experience but part of his rehabilitative process.

The Committee asked Dr. Rosati for his reactions to the Report of the Peer Committee. He replied that he was elated with the recommendation and thought that the report was thorough. He indicated that he felt the Peer Committee listened intently during the meeting and asked good questions. Dr. Rosati was asked about the Department of Health's recommendation that his practice be restricted for life. He replied that he thought such a restriction might severely hinder his obtaining a position and felt that the three-year restriction recommended by the Peer Committee would provide sufficient time for anyone to see how he was practicing medicine. He indicated that he would like to return to his small town of Lockport where there was a lack of physicians.

In closing, Dr. Rosati told the Committee that his remorse is sincere and that he is now "more humble and more honest." He said that he has made sincere efforts to remain current in the medical profession and wants to again be able to practice and help those in his community.

The overarching concern in all restoration cases is public protection. Education Law §6511 gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a license to practice as a physician in New York State. 8NYCRR §24.7(2) charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications.

Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee first meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so serious that it resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept, without question, the arguments presented by the petitioner but to weigh and evaluate all of the evidence submitted and to render a recommendation based upon the entire record.

The COP agrees with the Peer Committee that Dr. Rosati is truly remorseful for his fraudulent behavior. He identified greed and his anger at the low reimbursement rates of Medicare and HMOs as the root causes of his overbilling. He sought help from a professional therapist to assist in identifying the personality traits and triggers that led to his inappropriate actions and has made the necessary behavioral changes to provide an adequate level of assurance that the misconduct would not recur. Dr. Rosati has shared his insights with classes of fraud investigators and with residents at the hospital where he participates in grand rounds. The COP concurs with the Peer Committee that Dr. Rosati's "openness about his problems and his efforts to share the lessons of his life with others is a reflection of the rehabilitation process the applicant has experienced." Dr. Rosati has been making monthly payments toward the restitution he owes and is currently working as a used car salesman to help pay off that obligation and support himself. The COP found his responses to its questions credible. Dr. Rosati has made significant efforts at reeducation and has maintained his membership in the American Academy of Family Physicians. The COP was impressed with the steps Dr. Rosati has taken not only to rehabilitate himself but also to prevent new doctors from making the same bad decisions he made and to assist fraud investigators in learning about the motivations behind fraudulent billing. The record indicates that not only has the experience of talking about his misconduct with others assisted Dr. Rosati in learning more about his own character, but, perhaps even more significant, has aided in the prevention and detection of additional illegal activities by others. In addition, the COP was impressed with the seriousness that Dr. Rosati has given to making restoration payments and his willingness to continue to explore additional ways in which he can complete this obligation, including the possibility of practicing in underserved areas or in the military.

The COP notes that the Department of Health does not oppose restoration of Dr. Rosati's physician license and states that his petition "reveals that he has accepted responsibility for his crime, is paying his debt to society by his incarceration and continued restitution payments, and has exhibited remorse for his actions." The record indicates that one of the investigators for the United States Attorney's Office in Buffalo who was part of the team of investigators that compiled the case against Dr. Rosati wrote that she supported reinstatement of his license. Additionally, the Assistant United States Attorney who handled the investigation and prosecution of Dr. Rosati stated that

he would not be opposed to the reinstatement of his license. The COP finds that Dr. Rosati has presented a compelling case for the restoration of his license at this time. Because of the serious nature of his misconduct, the COP agrees with the recommendation of the Peer Committee that he should be placed on probation for three years with the stipulation that he practice only in a supervised setting and not be responsible for patient billing.

Therefore, after a careful review of the record and its meeting with him, the Committee on the Professions voted unanimously to recommend that the order of surrender of Dr. Rosati's license to practice as a physician in New York State be stayed for three years, that he be placed on probation for three years under specified terms attached to the Report of the Peer Committee and labeled as Exhibit "A," and that upon satisfactory completion of the probationary period, his license be fully restored.

Johanna Duncan-Poitier, Chair

Leslie Templeman

Stanley Hansen



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

SAMUEL ROSATI, M.D.

for the restoration of his license to
practice as a physician
in the State of New York.

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 20893

-----X

SAMUEL ROSATI, hereinafter referred to as the applicant, was previously licensed to practice as a physician in the State of New York by the New York State Education Department. The applicant's license was revoked as a result of a professional misconduct proceeding, and he has applied for restoration of this license.

On September 18, 2003, this Peer Committee convened to review this matter and make the following recommendation to the Committee on the Professions and the Board of Regents.

BACKGROUND INFORMATION

The written application, supporting papers provided by the applicant, and papers resulting from the investigation conducted by the Office of Professional Discipline (OPD) have been compiled by the prosecutor from OPD into a packet that has been distributed to this Peer

Committee in advance of its meeting and also provided to the applicant.

Listed below is the background information from that packet and the information contained in the applicant's submissions on the day of the meeting. Further details pertaining to these documents may be found therein.

PRIOR DISCIPLINE PROCEEDING

No. 99-160

Action by the New York State Department of Health

July 8, 1999 - An Order of the State Board for Professional Medical Conduct was issued, accepting the surrender of the applicant's license to practice medicine in the State of New York.

Nature of the Charges

The applicant was charged with committing professional misconduct by having been convicted of committing an act constituting a crime under federal law.

Nature of the Misconduct

On or about April 27, 1999, in the United States District Court for the Western District of New York, the applicant entered a plea of guilty and was found guilty of a violation of Title 18, United States Code, Section 287 (False Claims Against the United States) and Title 18, United States Code, Section 1347 (Health Care Fraud).

PETITION FOR RESTORATION

The applicant submitted a restoration application dated June 21, 2002, with attachments as described below.

ATTACHMENTS TO THE PETITION

- Attorney affirmation dated August 9, 2002, summarizing the applicant's case for restoration.

SAMUEL ROSATI, M.D. (20893)

- Letter dated June 28, 2002, signed by the applicant. In this letter, the applicant states that his convictions involved overbilling Medicare and an HMO, and that he served eighteen months of a twenty-five month sentence in a federal prison camp. He states that he voluntarily surrendered his New York and Pennsylvania licenses to practice medicine. The applicant indicates that his own arrogance and greed were the reasons behind his conviction. He expresses remorse, and states that he has a restitution obligation of approximately \$189,000, which he proposes to pay back by serving in a federally under served area.
- A statement describing a professional liability lawsuit in which the applicant was named as a defendant.
- Documentation of the applicant's membership in the American Academy of Family Physicians, from 1989 through 2004.
- Documentation of the applicant's continuing medical education.
- Letter dated November 5, 2001, from the United States Attorney's Office, Western District of New York, attesting to the applicant's appearance before a class on health insurance fraud offered by a health care fraud auditor from that office.
- Letter dated May 10, 2002 from the Assistant United States Attorney who prosecuted the applicant, indicating that he would not be opposed to the reinstatement of the applicant's license.
- Twenty affidavits or letters in support from former colleagues and patients of the applicant.
- Letter dated June 7, 2002 from Judith Feld, M.D., who gave the applicant a psychiatric evaluation on June 6, 2002, and who states that the applicant

demonstrated full insight into the lapse of judgment relating to the financial aspects of his medical practice, and who concluded that there are no mental health issues that might prevent reinstatement of his license.

- An affidavit from the applicant describing his community service since his release from prison, and his intention to practice in a medically under-served area if his license to practice is restored.

SUBSEQUENT DOCUMENTATION

The following documentation was provided to the Peer Committee at its meeting.

- Letter from a physician at the Niagara Medical Center dated May 11, 2003, describing the applicant's attendance at weekly conferences, and the applicant's discussion of his experiences as part of a medical ethics curriculum.
- Letter from the United States Probation Officer Assistant dated August 13, 2003, stating that the applicant has remained compliant with the terms of his probation and has continuously made payments towards his court ordered restitution.
- Additional documentation of the applicant's continuing medical education.

OTHER INFORMATION ON THE RECORD, NOT ALREADY SUMMARIZED

On the record is a letter dated December 23, 2002 from Dennis J. Graziano, Director of the New York State Health Department's Office of Professional Medical Conduct, indicating that the Office does not oppose the restoration of the applicant's license, but recommending that the applicant's practice be permanently limited to a supervised setting where he would not be in a position to conduct patient billing.

PEER COMMITTEE

On September 18, 2003, this Peer Committee met to consider the application. The

applicant appeared before us personally, and was represented by Wendy A. Stimpfl, Esq. Also present was Mary Doyle, Esq., an attorney who appeared on behalf of the Division of Prosecutions of OPD. Present for the Peer Committee on September 18, 2003 were Dr. Margaret Colgan and Dr. Richard Lee. By stipulation of the parties, Dr. Louis J. Voorhaus read the transcript of the meeting and the exhibits, and thereafter participated in deliberations with the other members of the Peer Committee.

The applicant's attorney made an opening statement, in which she described the applicant's practice before his revocation, and indicated that the changes brought about by managed care led the applicant to commit the crimes which resulted in the revocation of his license to practice. She described those crimes, his sentence and the status of his restitution obligation. She also described the applicant's current status, and highlighted for the Peer Committee certain items in the evidentiary packet.

In her opening statement Ms. Doyle made note of the position of the Department of Health, which does not oppose the restoration of the applicant's license, but which recommends restrictions on the applicant's license if it were to be restored. Ms. Doyle reminded the Peer Committee that it is within their discretion to make a decision on the restoration application.

The applicant testified, first describing his practice as a family physician in a small community. He stated that he was frustrated by the amount of work he had to do, and the decreased reimbursement which he was receiving from Medicare and the health maintenance organizations (HMOS). He stated that he had an unrealistic expectation of what family physicians should earn, and that he was arrogant and greedy and chose to cross the line. He expressed his sorrow and his intention to pay back his Medicare restitution by serving in an area with a shortage of health professionals.

In response to questions by Ms. Stimpfl, the applicant stated that he attended medical school in the Caribbean, and did a family practice residency in Niagara Falls, New York, completing that program in 1989. He thereafter developed a family practice in Lockport, New York, which grew to eight thousand patients. When asked how managed care changed his practice, the applicant stated that at first he did not understand the impact, but then realized that HMOS were having a negative impact on cash flows. He stated that he became embittered, and tried to think of ways to make the money he thought he deserved.

In 1998 he was audited by Medicare, and at first thought he would merely pay a fine. He ultimately pled guilty to federal crimes, stating that he was wrong, and deserved to be punished. He was sentenced to twenty-four months in prison, and served nineteen months, in a white collar crime facility. Thereafter, he stayed in a halfway house in Buffalo for three months. Upon his release, the applicant attempted to find employment in a field of medicine, but ultimately took a job selling cars.

The applicant described his efforts at continuing medical education, stating that he read medical journals in prison, and after his release, attended grand rounds at Niagara Falls Memorial Hospital and the Veterans Administration Hospital. He explained that he spoke to the residents at those facilities about his difficulties, and described for the Peer Committee his volunteer lectures at Hilbert College for the federal government's fraud investigator. He also described his meeting with the federal prosecutor who handled his case, stating that he discussed his insights into the difficulties involved in medical practice and the potential for fraudulent activities.

When asked about his plans if his license is restored, the applicant stated that he would like to be able to participate in Medicare again, and return to practice in Lockport, and also discussed his plan to serve in a shortage area with the federal government. He also discussed the possibility of

SAMUEL ROSATI, M.D. (20893)

working for the Veterans Administration or joining the army.

Ms Doyle questioned the applicant, and was told that the fraudulent billing took place from 1996 to 1998. He stated that he ceased this activity after he was audited. In explaining what led him to his criminal activity, he stated that he realized that he was working harder and harder for less money, and became angry and frustrated. When asked about the involvement of his office staff in the fraud, he stated that no one on his staff was implicated, and that he took full responsibility. When asked what assurance he could give that the behavior would not occur again, he stated that the severity of the punishment was enough to prevent that from happening. He also stated that he agreed with the Department of Health's recommendation that he not be involved with billing in any future medical practice.

In response to questions by the Peer Committee, the applicant described the rapid growth of his practice, stating that this was evidence of the need for practitioners in Lockport. He stated that he had a difficult time scaling back the practice or attracting other physicians, since that location was not considered desirable. He stated that he performed limited surgery and OB/GYN, but did participate in some clinical pharmaceutical research. The applicant described his staffing, explaining that he eventually employed a second physician and four physician's assistants. He also described a malpractice settlement in which a patient had an adverse reaction to prescribed antibiotics, and another case in which a cancer patient died from cardiac complications.

Anthony DiBenedetto, M.D. then testified on behalf of the applicant, providing his opinion that the applicant is an excellent physician, who freely discussed his conviction with him. He also stated that patients in the community are asking about him, and that he would, as chief of staff at Lockport Memorial Hospital, recommend the applicant's appointment to that hospital if his license were restored. In closing statements, Ms. Doyle indicated that she would leave the matter to the

discretion of the Peer Committee, and would ask that the Department of Health's recommendation for a limited practice be considered. Ms. Stimpfl recounted the evidence in support of the application and asked the Peer Committee to review the letters submitted in support of the applicant. The applicant then thanked the Peer Committee for their time, and asked for their forgiveness.

RECOMMENDATIONS

This Peer Committee has considered the entire record in this matter. It is the unanimous opinion of the Committee that the revocation of the applicant's license to practice as a physician be stayed, and that the applicant be placed on probation for three years under the terms of probation annexed hereto, made a part hereof, and marked as Exhibit "A." Upon successful completion of the terms of probation, the applicant's license would be fully restored.

In his testimony before us, we found the applicant to be chastened and truly remorseful for his fraudulent behavior. He demonstrated insight into the cause of his crimes, by identifying certain personality traits, and explaining how these traits led to his fraudulent acts. He explained that, when faced with a changing practice environment caused by managed care, his anger and greed led him to overbilling.

We were impressed by the applicant's willingness to discuss his experiences with the prosecuting authorities in the federal government, and particularly with his interest in speaking to the class of fraud investigators, and the medical residents in area hospitals. The applicant's openness about his problems and his efforts to share the lessons of his life with others is a reflection of the rehabilitation process the applicant has experienced.

We also look favorably on the applicant's interest in returning to the Lockport community where he previously practiced. He seemed to us to be genuinely motivated to practice in this

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under served area, and we believe that community would benefit from his presence.

The applicant's re-education efforts have been laudable, particularly his interest and ability to maintain his membership in the American Academy of Family Physicians, despite serving eighteen months in prison. Since the revocation of his license did not involve clinical practice issues, we do not believe that his continuing education should be an impediment to the restoration of this license.

In summary, based upon the testimony and other evidence on the record, we believe that the applicant has fulfilled the criteria established for the restoration of his license. However, based upon the serious nature of his offenses, and the applicant's admitted difficulty with the business aspects of a medical practice, we are recommending that the applicant be placed on probation for three years before his license is unconditionally restored, and that as a condition of probation, he be supervised and not be responsible for patient billing.

Respectfully submitted,

MARGARET COLGAN, M.D.,
Chairperson,
RICHARD LEE, M.D.,
LOUIS J. VORHAUS, II, M.D.

Margaret T Colgan 12/31/03
Chairperson Dated

EXHIBIT "A"
TERMS OF PROBATION
OF THE PEER COMMITTEE

Samuel Rosati, M.D.

CALENDAR NO. 20893

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), Department of Health (DOH), 433 River Street, Troy, NY 12180-2299, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), 2nd Floor, North Wing, 89 Washington Avenue, Albany, New York 12234 that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant to the DOH, addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
4. That applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
5. That during the period of probation, the applicant shall limit his practice to a supervised setting and shall not have direct responsibility for patient billing.
6. That applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
7. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC, DOH may initiate a violation of probation proceeding.