

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

IN THE MATTER  
OF  
MEDFORD EAST MEDICAL SERVICES, P.C.

CONSENT  
AGREEMENT  
AND  
ORDER BPMC No. 01-329

The Respondent, Medford East Medical Associates, P.C., says:

The Respondent is a professional service corporation duly authorized 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, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the

Respondent's certificate

MEDFORD PC.DOC

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 First Specification of the Statement of Charges in full satisfaction of all charges.

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, 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.

In addition, the Respondent agrees that this Consent Agreement and Order shall

be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Consent Agreement and Order to it in care of Mitchell Grant Siller, M.D., 3408 Fulton Avenue, Oceanside, NY 11572, or to its attorney, or upon transmission via facsimile to it or its attorney, whichever is earliest.

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

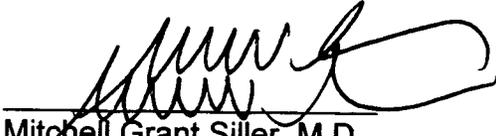
Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

The Respondent is making this application of its own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to it of the acceptance by the Board of this application allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives any right it may have to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which it hereby applies and the respondent asks that the application be granted.

The Respondent is making this application through Mitchell Grant Siller, M.D., and the Respondent and Mitchell Grant Siller, 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: \_\_\_\_\_, 2001

Medford East Medical Associates, P.C.,

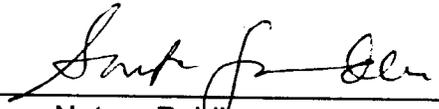
By:   
Mitchell Grant Siller, M.D.  
President

State of *New York*)

ss.:

County of *Nassau*)

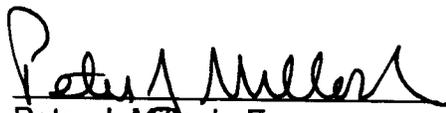
On the 7<sup>th</sup> day of Dec 2001, before me personally came Mitchell Grant Siller, M.D., who being by me duly sworn, did depose and say that he resides at 3408 Fulton Avenue, Oceanside, NY 11572; that he is the President of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the board of directors of said corporation.

  
\_\_\_\_\_  
Notary Public

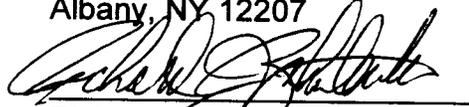
**SMITA GANDHI**  
Notary Public, State of New York  
No. 30-4748475  
Qualified in Nassau County  
Commission Expires July 31, 2005

AGREED TO:

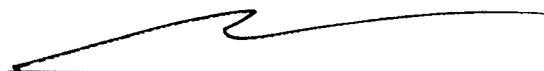
Date: December 10, 2001

  
Peter J. Millock, Esq.  
Attorney for Respondent  
Nixon Peabody LLP  
Omni Plaza  
30 South Pearl Street  
Albany, NY 12207

Date: December 10, 2001

  
Richard J. Zahnleuter, Esq.  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: December 20, 2001

  
\_\_\_\_\_  
Dennis J. Graziano  
Director, Office of

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

**IN THE MATTER**  
**OF**  
**MEDFORD EAST MEDICAL SERVICES, P.C.**

ORDER

Upon the proposed Consent Agreement and Order of Medford East Medical Associates, P.C., which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof, 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 Mitchell Grant Siller, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: December 20, 2001

*William P. Dillon, M.D.*

William P. Dillon, M.D.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR  
PROFESSIONAL  
MEDICAL CONDUCT

IN THE MATTER

STATEMENT  
OF  
CHARGES

OF

MEDFORD EAST MEDICAL ASSOCIATES,  
P.C.

The Respondent is a professional service corporation duly authorized 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.

**ALLEGATIONS**

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

B. On August 15, 1997, Mitchell Grant Siller, M.D., and another physician caused to be filed with the New York State Department of State a certificate of incorporation for the Respondent.

C. Dr. Siller was one of the two physicians who, in compliance with Sections 1503(a), 1504(a), and 1508 of the New York Business Corporation Law, was a shareholder, director and officer of the Respondent.

D. In a Determination and Order, dated January 3, 2001, effective upon receipt by Dr. Siller or seven days after mailing, the Administrative Review Board for Professional Medical Conduct limited Dr. Siller's New York license "to prohibit his private practice and to restrict his practice to a medical facility holding a government issued operating certificate (such as a certificate pursuant to Public Health Law Article 28) or operated by a state or federal agency (such as the United States Veteran's Administration)," rendering him not duly authorized by law to practice medicine in New York and disqualifying him as a shareholder, director and officer of the Respondent pursuant to Section 1503(a) and Section 1508 of the Business Corporation Law.

E. Thereafter, the Respondent failed to enforce compliance with the procedures of Section 1510 and Section 1509 of the Business Corporation Law concerning the purchase or redemption of shares within six months after the disqualification of Dr. Siller as a shareholder, director and officer of the Respondent.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

The Respondent is charged with professional misconduct by reason of WILLFULLY FAILING TO COMPLY WITH BUSINESS CORPORATION LAW §1503, in violation of the third undesignated clause of New York Education Law §6530(12), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, and/or E.

DATED: *December 13*, 2001  
Albany, New York

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



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner  
NYS Department of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

December 26, 2001

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Mark Joseph Nepokroeff, M.D.  
5091 Mapleton Road  
Pendelton, New York 14094

RE: License No. 189216

Dear Dr. Nepokroeff:

Enclosed please find Order #BPMC 01-328 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 26, 2001.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: John W. Dorn, Esq.  
Nesper, Ferber and DiGiacomo, LLP  
One Towne Centre  
Suite 300  
Amherst, New York 14228

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

IN THE MATTER  
OF  
MARK JOSEPH NEPOKROEFF, M.D.

SURRENDER  
ORDER  
BPMC # 01-328

Mark Joseph Nepokroeff, M.D., says:

On or about June 18, 1992, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 189216 by the New York State Education Department. My address is 5091 Mapleton Road, Pendelton, New York, 14094.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I admit guilt to the one specification set forth in the Statement of Charges.

I understand 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 me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement 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.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

AGREED TO:

Date: 12/17, 2001

Date: 12/17, 2001

Date: 12/26, 2001

  
Mark Joseph Nepokroeff, M.D.  
Respondent

  
John Dorn, Esq.  
Attorney for Respondent

  
Joseph Cahill  
Associate Counsel  
Bureau of Professional  
Medical Conduct

  
Dennis J. Graziano  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of Mark Joseph Nepokroeff, M.D., 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 proposed agreement 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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12-26-01

  
William P. Dillon, M.D.  
Chair  
State Board for Professional  
Medical Conduct

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to OPMC at Hedley Park Place, 433 River Street 4th Floor, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230 a1. of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

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

IN THE MATTER  
OF  
MARK JOSEPH NEPOKROEFF, M.D.

**STATEMENT  
OF  
CHARGES**

MARK JOSEPH NEPOKROEFF, M.D., Respondent, was authorized to practice medicine in New York State on June 18, 1992, by the issuance of license number 189216 by the New York State Education Department. The Respondent is currently registered to practice medicine with the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent intentionally and knowingly altered his medical education transcript and diploma from the Universidad Del Noreste. Respondent falsely altered the transcript to indicate the completion of semesters 7 and 8, when he in fact, did not complete either of these semesters. Respondent also created a false diploma for himself from the same institution. Respondent then caused these documents to be sent to the New York State Education Department as part of his initial licensure as a physician in New York State with the intent that they be accepted as genuine. The New York State Education Department issued the Respondent his license, relying, in part, on the false transcript and diploma and issued Department license number 189216.

**SPECIFICATIONS**

Respondent is charged with obtaining his license to practice medicine fraudulently in violation of New York Education Law § 6530(1) in that Petitioner charges the fact in Paragraph A herein.

DATED: *December 18, 2001*  
Albany, New York

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