



Public

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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NYS Department of Health
Wendy E. Saunders
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Office of Professional Medical Conduct

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Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 18, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kathleen S. Lujbli, P.A.
12 Birch Avenue
Lake George, NY 12845

Re: License No. 006633

Dear Ms. Lujbli:

Enclosed is a copy of Order #BPMC 08-244 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 25, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

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

Enclosure

cc: Mark Zuckerman, Esq.
P.O. Box 158
Bolton Landing, NY 12814

IN THE MATTER
OF
KATHLEEN LUJBLI, P.A.

CONSENT
ORDER
BPMC No. #08-244

Upon the application of **KATHLEEN LUJBLI, P.A.**, (Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

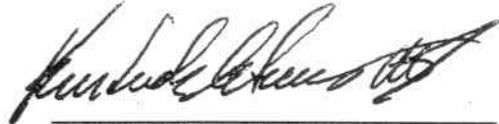
ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12-18-2008



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
KATHLEEN LUJBALI, P.A.
CO-07-03-1635-A

CONSENT
AGREEMENT
AND ORDER

KATHLEEN LUJBALI, P.A., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about December 29, 1998, I was licensed to practice as a physician assistant in the State of New York, and issued license number 006633 by the New York State Education Department.

My current address is 12 Birch Avenue, Lake George, NY 12845, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with three (3) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

I do not contest the three (3) Specifications, and agree to the following penalty:

One (1) year suspension of my license to practice medicine as a Physician Assistant commencing on June 13, 2007, and terminating on June 12, 2008.

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York

Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree 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 me at the address in this Consent Agreement, or to my 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.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree 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 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.

AFFIRMED:

DATED: 11/11/08



KATHLEEN LUJBLLI, P.A.
Respondent

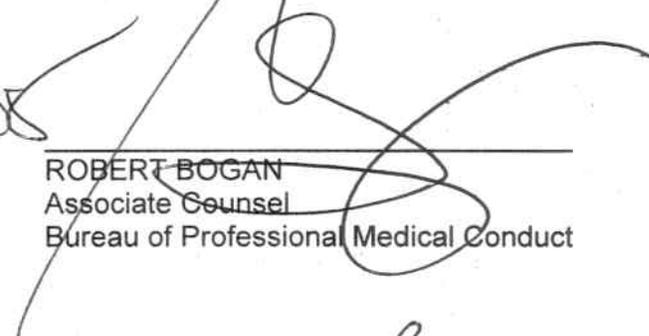
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 11/11/08



MARK ZUCKERMAN
Attorney for Respondent

DATE: 14 November 2008



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/15/08



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
KATHLEEN SHEREN LUJBALI, P.A.
CO-07-03-1635-A

STATEMENT
OF
CHARGES

KATHLEEN SHEREN LUJBALI, P.A., Respondent, was authorized to practice medicine in New York state as a physician assistant on December 29, 1998, by the issuance of license number 006633 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 9, 2008, in the Saugerties Town Court, Criminal Part, Ulster County, New York, Respondent was found guilty, based on a plea of guilty, of a violation of making of official New York state prescription for scheduled substances, in violation of New York Public Health Law §3332, a misdemeanor, and was sentenced to a conditional discharge.

B. On or about April 14, 2008, in the Queensbury Town Court, Criminal Part, Warren County, New York, Respondent was found guilty, based on a plea of guilty, of obtaining a controlled substances by fraud and deceit, in violation of New York Public Health Law §3397.1(a), a misdemeanor, and was sentenced to a conditional discharge.

C. On or about April 22, 2008, the State of New York, Department of Health, (hereinafter "New York Department"), by a Stipulation and Order (hereinafter "New York Order"), assessed Respondent a \$10,000.00 civil penalty, \$8,000.00 to be paid in accordance with a schedule of payments and \$2,000.00 to be suspended contingent on her full compliance with the New York Order, based on from on or about April 21, 2006, to or on or about March 23, 2007, on seventeen (17) occasions, prescribing controlled substances in the name of another for her own use.

SPECIFICATIONS
FIRST AND SECOND SPECIFICATIONS

Respondent violated New York 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.
2. The facts in Paragraph B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(a)(c) by having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to New York Education Law §6530, in that Petitioner charges:

3. The facts in Paragraph C.

DATED: *Aug. 4*, 2008
Albany, New York


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