



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

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

October 22, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Frank J. Nocilla, M.D.
2201 North Shore Road
Hadley, NY 12835

Re: License No. 196889

Dear Dr. Nocilla:

Enclosed please find Order #BPMC 03-274 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 29, 2003.

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 the 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: Brian Devane, Esq.
Dreyer, Boyajian, LLP
75 Columbia Street
Albany, NY 12210

NEW YORK STATE

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

FRANK JOHN NOCILLA, M.D.

BPMC No. 03-274

ORDER FOR
NON PRACTICE OF
MEDICINE

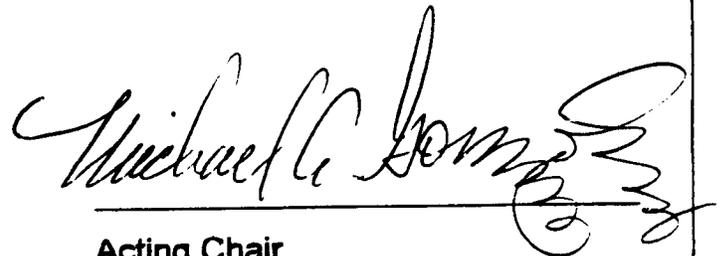
Upon the proposed application and agreement of FRANK JOHN NOCILLA, M.D. (Respondent) for an Order by which Respondent agrees to cease the practice of medicine in New York State, or under the authority of his New York medical license, pending the final disposition of the present Department of Health, Office of Professional Medical Conduct investigation of certain aspects of the Respondent's medical practice, which application and agreement is made a part hereof, it is agreed to and

ORDERED, that the application and agreement and the provisions thereof are hereby adopted and so ORDERED, and 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 the Consent Order to Respondent's attorney, or upon transmission via facsimile to Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/27/03



Acting Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
FRANK JOHN NOCILLA, M.D.

APPLICATION FOR
AND AGREEMENT
TO
NOT PRACTICE
MEDICINE/
ORDER OF THE
BOARD

STATE OF NEW YORK)
COUNTY OF SCHENECTADY)^{ss.:}

FRANK JOHN NOCILLA, M.D., being duly sworn, deposes and says:

1. That on or about August 16, 1994, I was licensed to practice as a physician in the State of New York, having been issued License No. 196889 by the New York State Education Department.
2. My current registration address is 2201 North Shore Road, Hadley, New York 12835, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.
3. I understand that the New York State Board for Professional Medical Conduct is investigating certain aspects of my medical practice to determine if I may have engaged in professional misconduct.
4. I hereby agree to the following :
I will not engage in the practice of medicine in the State of New York, or under any authority of my New York medical license, pending the final disposition of the currently open Department of

Health, Office of Professional Medical Conduct investigation. I further agree to abide by such final disposition, without hereby waiving any rights to appeal to which I might otherwise be entitled.

For the purpose of this agreement, "final disposition" shall mean the later of any disposition by administrative closure, or determination of a Hearing Committee of the State Board for Professional Medical Conduct, or determination of the Administrative Review Board of the State Board for Professional Medical Conduct.

5. I hereby stipulate that any failure by me to comply with the above condition imposed by this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

6. **Further, I hereby acknowledge that any activity by me that constitutes the practice of medicine in New York State or under the authority of my New York medical license at any time after the effective date of this order, and during the pendency of the Order, shall constitute the unauthorized practice of medicine within the meaning of N.Y. Educ. Law §6512, defining a Class E felony.**

7. I presently maintain hospital privileges at [NONE]. My employment is [NONE]. I agree to neither exercise nor seek privileges or employment as a physician in New York or under the authority of my New York medical license during the pendency of this agreement.

8. I understand that unless and until I am allowed to resume the practice of medicine under the terms of this agreement, my licensure status is "inactive" and I am not authorized to practice medicine in the State of New York or under the authority of my New York medical license. I further understand that any practice of medicine in New York or under the authority of my New York medical license while my license is "inactive" shall constitute a violation of N.Y. Educ. Law Section 6530(12). Finally, I agree that this agreement may be made public in the same manner as a final determination of a Hearing Committee that imposes discipline on a physician that includes suspension from practice without stay, including notice to the National Practitioners' Data Bank.

9. I understand that unless and until I am allowed to resume the practice of medicine under the terms of this agreement, I shall notify all persons who request my medical services that I have ceased the active practice of medicine in New York State or under the authority of my New York medical license.

10. I understand that the Department of Health, Office of Professional Medical Conduct shall notify each hospital or facility at which I presently hold privileges, or at which I obtain privileges during the pendency of this agreement, that I have ceased the active practice of medicine in New York State or under the authority of my New York medical license, and that my licensure status during the pendency of the agreement is inactive. I also agree to cause a written notice to be placed in a conspicuous location at my office at [NONE], New York that I have ceased the active practice of medicine in New York and under the authority of my New York medical license, and that my licensure status at present is inactive.

11. I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

12. I understand that, in the event that this Application is not granted by the Board, 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 Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of any professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

13. I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such 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 my attorney, or upon transmission via facsimile to my attorney, whichever is earliest.

14. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

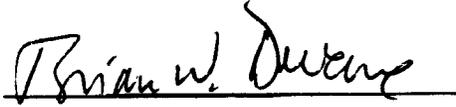
DATED 11-10-03



FRANK JOHN NOCILLA, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent based on the terms and conditions thereof.

DATE: 10/15/03



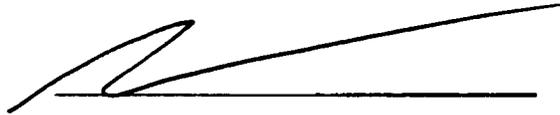
BRIAN W. DEVANE
Attorney for Respondent

DATE: 10/15/03



MICHAEL A. HISER
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 10/17/03



DENNIS GRAZIANO
Director
Office of Professional
Medical Conduct