



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.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair

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

June 23, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Anatoly Jakor Pekarsky, M.D.
16 Manor Drive
Manalpan, New Jersey 07726

RE: License No. 170451

Dear Dr. Pekarsky:

Enclosed please find Order #BPMC 00-185 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 23, 2000.

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: George Weinbaum, Esq.
11 Martine Avenue
White Plains, New York 10606

Robert Bogan, Esq.

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

IN THE MATTER
OF
ANATOLY JAKOR PEKARSKY, M.D.

CONSENT
AGREEMENT
AND ORDER
BPMC No. 00-185

ANATOLY JAKOR PEKARSKY, M.D., (Respondent being duly sworn deposes and says:

That on or about June 26, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 170451 by the New York State Education Department.

My current address is 16 Manor Drive, Manalapan, New Jersey 07726, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the two (2) specifications, in full satisfaction of the charges against me, hereby agreed to the following penalties:

One (1) year suspension, six (6) months stayed, six (6) months active, and twenty-five (25) hours of Continuing Medical Education in Record Keeping, to be approved in advance by the Director, Office of Professional Medical Conduct, and to be completed within one (1) year of this Consent Agreement and Order.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional

Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of The Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

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

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 the 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.

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 Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

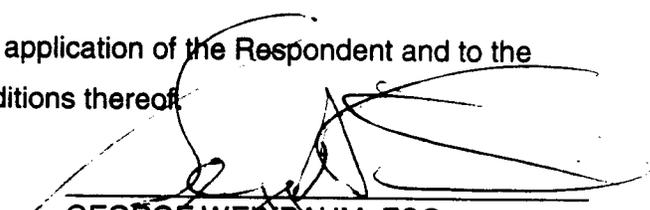
AFFIRMED:

DATED: 6/2/00

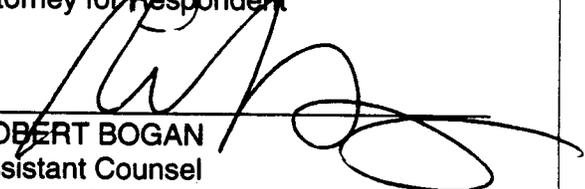

ANATOLY JAKOR PEKARSKY, M.D.
Respondent

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

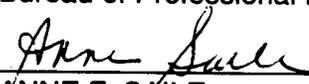
DATE: 6/7/00


GEORGE WEINBAUM, ESQ.
Attorney for Respondent

DATE: 13 June 2000


ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: June 15, 2000


ANNE F. SAILE
Director
Office of Professional Medical Conduct

CONFIDENTIAL

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

**IN THE MATTER
OF
ANATOLY JAKOR PEKARSKY, M.D.**

**STATEMENT
OF
CHARGES**

ANATOLY JAKOR PEKARSKY, M.D., the Respondent, was authorized to practice medicine in New York state on June 26, 1987, by the issuance of license number 170451 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 24, 1994, the New York State Department of Social Services (hereinafter "Department"), by Notice of Proposed Agency Action under the Medical Assistance Program Pursuant to 18 NYCRR 515.6(a) Audit No. 93 CO1-7066, excluded Respondent from the Medicaid Program for five (5) years, based upon being Respondent being guilty of engaging in unacceptable practices as defined in the Department's regulations governing the Medical Assistance Program in violation of 18 NYCRR 515.2 (submitting a false claim, record keeping, furnishing or ordering medical care, services, or supplies in excess of the client's needs).

B. On or about May 6, 1997, the Department by a Decision affirmed the determination to exclude Respondent from the Medicaid program for five (5) years as described in Paragraph A.

C. On or about January 21, 1999, the State of New York, Supreme Court, Appellate Division, Third Department, affirmed the determination described in Paragraph B above

D. The conduct resulting in the New York State Department of Social Services disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York State law:

1. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws or rules regulating the practice of medicine);
2. New York Education Law §6530(21) (making a false report);
3. New York Education Law §6530(32) (record keeping); and/or
4. New York Education §6530(35) (excessive tests, treatment).

SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(c) by reason of his 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 and when the violation would have constituted professional misconduct, in that Petitioner charges:

1. The facts in paragraphs A, B, C, and/or D.

DATED: *Apr 10*, 2000
Albany, New York


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

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

IN THE MATTER
OF
ANATOLY JAKOR PEKARSKY, M.D.

CONSENT
ORDER

Upon the proposed agreement of ANATOLY JAKOR PEKARSKY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application 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 at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 6/16/00



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct