



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

PUBLIC

July 28, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nicholas John Messina, III, M.D.
3020 N. Sawyer
Mesa, AZ 85207

Re: License No. 152097

Dear Dr. Messina:

Enclosed please find BPMC Modification Order #98-48 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 4, 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

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

IN THE MATTER : **APPLICATION TO**
OF : **MODIFY ORDER**
NICHOLAS JOHN MESSINA III, M.D. : **BPMC #98-48**

NICHOLAS JOHN MESSINA III, M.D., Respondent, states that I was authorized to practice medicine in New York State on October 29, 1982, by the issuance of License No. 152097 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice in the State of New York. My address is 3020 N. Sawyer, Mesa, AZ 85207.

I am the subject of BPMC Order No.98-48 annexed hereto, made a part hereof, and marked as Exhibit 1.

I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying paragraph seven of the original Application for Consent Agreement and Order. I respectfully request that paragraph seven be replaced with the following language, "Suspension of my New York state license, stayed with five (5) years probation to run concurrently with my Arizona and/or Connecticut probation period in accordance with Exhibit B and to be satisfied with and terminated only upon my compliance with all conditions in the Arizona and/or Connecticut Board Orders commencing on March 6, 1998."

The modification order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language of paragraph seven for the language of paragraph seven in the original order.

Respondent shall provide a written authorization for the Arizona Board and/or Connecticut Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Arizona and/or Connecticut Order.

Respondent shall provide thirty (30) days notice prior to returning to the practice of medicine in New York state or in any other jurisdiction where that practice is predicated on Respondent having a license to practice medicine in New York state. The Director, in his sole discretion, may impose whatever probation, limitations, terms or further conditions, he in his sole discretion deems reasonable.

Respondent shall submit, semi-annually, a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Arizona and/or Connecticut Order during the declaration period specified.

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

I understand that, in the event that the 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.

I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification order.

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 Board's granting of this application to modify my prior order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification order.

DATE: July 10, 2003



NICHOLAS JOHN MESSINA III, M.D.
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order in the State of New York.

Date: 15 July, 2003



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 18 July, 2003



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER :
OF : MODIFICATION ORDER
NICHOLAS JOHN MESSINA III, M.D. : BMC # 98-48

Upon the application of **NICHOLAS JOHN MESSINA III, M.D.**, (Respondent) to modify a prior order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are adopted; it is further

ORDERED, that Order BMC No. 98-48 is modified to replace the language of paragraph seven with the proposed language on this application to modify the prior Board Order; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED

Dated: 7/24/09



WILLIAM P. DILLON, M.D.

Chairperson

State Board for Professional Medical Conduct