



New York State Board for Professional Medical Conduct

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

Kendrick A. Sears, M.D.
Chair

Keith W. Servis, Director
Office of Professional Medical Conduct

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

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

Public

February 5, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gene Brignoni, M.D.
107 Northern Boulevard, Suite 306
Great Neck, NY 11021

Re: License No. 156598

Dear Dr. Brignoni:

Enclosed is a copy of Order #BPMC 07-28 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 12, 2007.

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. If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to: **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: Bernard M. Eiber, Esq.
Eiber & Eiber
55 Northern Boulevard
Great Neck, NY 11021

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

IN THE MATTER
OF
GENE BRIGNONI, M.D.

CONSENT
ORDER

BPMC No. #07-28

Upon the application of GENE BRIGNONI, M.D. (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.

DATE: 2-5-07


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

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IN THE MATTER
OF
GENE BRIGNONI, M.D.

CONSENT
AGREEMENT
AND
ORDER

GENE BRIGNONI, M.D., representing that all of the following statements are true, deposes and says:

That on or about November 7, 1983, I was licensed to practice as a physician in the State of New York, and issued License No. 156598 by the New York State Education Department.

My current address is 107 Northern Boulevard, Great Neck, New York 11021, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with a violation of probation.

A copy of the Notice of Violation of Probation, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I agree not to contest the allegations, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to §230-a(2)(a) of the Public Health law, my license to practice medicine in the State of New York shall be suspended for a period of 36 months, with the 12 month period beginning February 26, 2007, to be served as a period of actual suspension, and with the remaining 24 months of said suspension to be stayed.
- Pursuant to §230-a(9) of the Public Health law, I shall be placed on

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probation for a period of 36 months beginning upon the completion of the 12 month period of actual suspension, subject to the terms set forth in attached Exhibit "B".

- I shall be subject to a Condition that I comply with attached Exhibit "C," "Guidelines For Closing a Medical Practice Following a Revocation, Surrender or Suspension (Of 6 Months or More) of a Medical License."

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

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ 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 N.Y. Educ. 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 N.Y. Educ. Law § 6530(2)(3).

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 N.Y. Pub. 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 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 N.Y. Pub. 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.

DATE 1/8/0



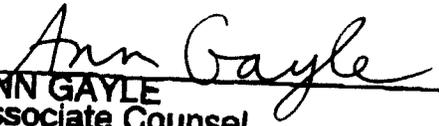
GENE BRIGNONI, M.D.
RESPONDENT

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

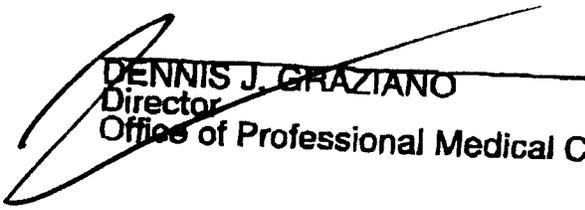
DATE: ~~1-19-07~~ 2/10/07


BERNARD M. EIBER, ESQ.
Attorney for Respondent

DATE: 1-19-07


ANN GAYLE
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/2/2007


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 306

Troy, New York 12180-2299

Artonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

BY CERTIFIED MAIL

December 20, 2006

Gene Brignoni, M.D.
107 Northern Boulevard
Suite 306
Great Neck, NY 11021

Re: Notice of Violation of Probation
License No. 156598

Dear Dr. Brignoni:

After an investigation pursuant to Section 230(19) of the Public Health Law, as the Director of the Office of Professional Medical Conduct of the New York State Department of Health, I have determined that you have violated the terms of probation imposed upon you by Consent Order BPMC No. 03-160, attached and marked as "Appendix A", effective on or about June 26, 2003. My determination that you have violated the terms of your probation is based on the following.

- I. Violation of Paragraph 2 of the terms of probation, as set forth below.
 - A. Respondent failed to timely notify OPMC that he was practicing medicine at Lefferts Medical Practice in Queens, New York, from at least approximately June 2004 to February 2005.
 - B. Respondent failed to timely notify OPMC that he was practicing medicine at All Borough Medical Diagnostics, Brooklyn, New York, beginning at least December 2003 and continuing in 2004.
 - C. Respondent failed to timely notify OPMC that he was practicing medicine at Paramount Medical Diagnostics, New York, New York, beginning in approximately January 2004 and continuing in 2004.
 - D. Respondent failed to timely notify OPMC that he was practicing medicine at Corona Medical Care in Queens, New York, from at least approximately the summer of 2003 to February 2004.
 - E. Respondent failed to timely notify OPMC that he was practicing medicine at Woodside Medical in Queens, New York, prior to May 2004.

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Exhibit "A"
TO 2007 ORDER

- F. Respondent failed to timely notify OPMC that he was practicing medicine at Chiropractic Works of Bellmore in Long Island, New York, beginning approximately September 2005.

II. Violation of Paragraph 8 of the terms of probation, as set forth below.

- A. Respondent failed to timely notify his monitor that he was practicing medicine at Lefferts Medical Practice in Queens, New York, from at least approximately June 2004 to February 2005, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.
- B. Respondent failed to timely notify his monitor that he was practicing medicine at All Borough Medical Diagnostics, Brooklyn, New York, beginning approximately December 2003 and continuing in 2004, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.
- C. Respondent failed to timely notify his monitor that he was practicing medicine at Paramount Medical Diagnostics, New York, New York, beginning approximately January 2004 and continuing in 2004, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.
- D. Respondent failed to timely notify his monitor that he was practicing medicine at Corona Medical Care in Queens, New York, from at least approximately the summer of 2003 to February 2004, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.
- E. Respondent failed to timely notify his monitor that he was practicing medicine at Woodside Medical in Queens, New York, prior to May 2004, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.
- F. Respondent failed to timely notify his monitor that he was practicing medicine at Chiropractic Works of Bellmore in Long Island, New York, beginning approximately September 2005, and to cause his monitor to visit this location on a random, unannounced basis at least monthly.

III. Violation of Paragraph 1 of the terms of probation, as set forth below:

- A. On or about October 6, 2005, Respondent, in response to questions from an investigator with the Office of Professional Medical Conduct, knowingly and intentionally falsely denied the true nature of his affiliation with Lefferts Medical Practice, which evidences practicing the profession fraudulently.
- B. On or about October 6, 2005, Respondent, in response to questions from an investigator with the Office of Professional Medical Conduct, knowingly and intentionally falsely denied the true nature of his affiliation with Lefferts Medical Practice, which evidences moral unfitness to practice medicine.

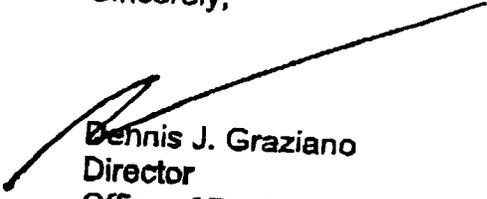
By this letter, I am initiating a violation of probation proceeding against you pursuant to New York Public Health Law § 230(19). Be advised that if you do not dispute the facts forming the basis of my determination within 20 days of the date of this letter, I shall submit this matter to a committee on professional conduct for its review and determination.

If within 20 days of the date of this letter, you dispute in writing the facts forming the basis of my determination, you shall be afforded a hearing before a committee on professional conduct on January 30, 2007. You have the right to such a hearing and may be represented by counsel.

A stenographic record of this hearing will be made. The committee, after providing you an opportunity to be heard, shall determine whether you have violated probation and, if so, shall impose an appropriate penalty as defined in New York State Public Health Law §230-a. In determining the appropriate penalty, the committee shall consider both the violation of probation and the prior adjudication of misconduct. The chairperson of the committee shall issue an order adopting the decision of the committee on professional conduct. This order may be reviewed by the Administrative Review Board of the State Board for Professional Medical Conduct.

Since this violation of probation proceeding may result in a determination that your license to practice medicine in New York be revoked, I urge you to consult with an attorney.

Sincerely,



Dennis J. Graziano
Director
Office of Professional Medical Conduct

cc: Bernard M. Eiber, Esq.
Eiber & Eiber
55 Northern Boulevard
Great Neck, NY 11021

(by regular mail)



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonina 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

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

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

PUBLIC

June 19, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gene Brignoni, M.D.
107 Northern Blvd. STE 306
Great Neck, NY 11554-1555

RE: License No. 156598

Dear Dr. Brignoni:

Enclosed please find Order #BPMC 03-160 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 26, 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 or receipt of the 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Appendix A

To 2007 ORDER

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Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,



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

Executive Secretary

Board for Professional Medical Conduct

cc: Joseph A. Hanshe, Esq.
Messrs. Fager & Amsler
90 Merrick Avenue
East Meadow, NY 11551-1555

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

IN THE MATTER
OF
GENE BRIGNONI, M.D.

CONSENT
ORDER

BPMC No. 03-160

Upon the application of (Respondent) GENE BRIGNONI, M.D. 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 SO ORDERED, and it is further

ORDERED, that this 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: 6/18/03

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

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

IN THE MATTER
OF
GENE BRIGNONI, M.D.

CONSENT
AGREEMENT
AND
ORDER

GENE BRIGNONI, M.D., representing all statements herein made to be true, deposes and says:

That on or about November 7, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 156598 by the New York State Education Department.

My current address is ^{107 NORTHAVEN BLVD. STE. 306, GREAT NECK 11021} ~~East Meadow Medical Group, 350 S. Broadway, Hicksville, New York~~, 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 for Professional Medical Conduct has charged me with nine (9) specifications of professional misconduct.

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

I cannot successfully defend against the First Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

- Pursuant to §230-a(3) of the Public Health Law, my license to practice medicine in the State of New York shall be limited to a non-surgical practice.
- Pursuant to §230-a(2) of the Public Health Law, my license to practice medicine in the State of New York shall be suspended for a period of three (3) years, such suspension shall be entirely stayed.

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- Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of three (3) years, subject to the terms set forth in Exhibit "B".
- I shall be subjected to a fine in the amount of \$2,000, pursuant to §230-a(7) and (9) of the Public Health law, to be paid within one (1) year from the date of the Order issued herein.

Respondent shall maintain active 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 possesses 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 I am charged with professional misconduct in the future, this 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.

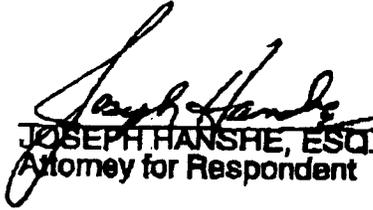
whether administratively or judicially, and ask that the Application be granted.


GENE BRIGNONI, M.D.
RESPONDENT

DATED 1/22/2002

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

DATE: 1/22/2013


JOSEPH HANSHE, ESQ.
Attorney for Respondent

DATE: 6/11/13


DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 16 June 2013


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

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EXHIBIT "A" (TO 2003 ORDER)

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

IN THE MATTER
OF
GENE BRIGNONI, M.D.

STATEMENT
OF
CHARGES

GENE BRIGNONI, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 7, 1983, by the issuance of license number 156598 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 15, 1999, Respondent treated Patient A at North Shore University Hospital at Glen Cove (NSUHGC) for injuries sustained in a motor vehicle accident. Patient A evidenced signs of trauma including but not limited to right hemothorax, right rib fractures and fluid near the liver, right gutter and pelvis.
1. Respondent failed to adequately evaluate Patient A or note such evaluation, if any.
 2. Respondent failed to adequately monitor or evaluate the ongoing condition of Patient A or note such monitoring or evaluation, if any.
 3. Respondent failed to adequately treat Patient A or note such treatment, if any.

- B. In or about January, 1999, Respondent treated Patient B at NSUHGC for abdominal tenderness with distension. Patient B evidenced symptoms including but not limited to nausea, vomiting and diarrhea.**
- 1. Respondent failed to adequately evaluate Patient B or note such evaluation, if any.**
 - 2. Respondent failed to adequately monitor or evaluate the ongoing condition of Patient B or note such evaluation or monitoring, if any.**
 - 3. Respondent failed to adequately treat Patient B or note such treatment, if any.**
- C. Beginning in or about October, 1991, Respondent falsely represented on his employment application with NSUHGC, deliberately and with intent to deceive, that: (i) he was Board certified in General Surgery and Emergency Medicine; (ii) he had terminated his affiliation with Syosset Community Hospital.**
- D. In or about February, 2001, Respondent, on his employment application with St. John's Episcopal Hospital, South Shore, deliberately and with intent to deceive, failed to disclose: (i) his affiliation with Syosset Community Hospital; and (ii) that his privileges had been reduced at such hospital.**

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A and A1-3; and/or Paragraphs B and B1-3.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1-3; and/or Paragraphs B and B1-3.

THIRD AND FOURTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which

accurately reflects the care and treatment of each patient, as alleged in the facts of the following:

3. Paragraphs A and A1-3.
4. Paragraphs B and B1-3.

FIFTH AND SIXTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

5. Paragraph C.
6. Paragraph D.

SEVENTH SPECIFICATION

FAILING TO PROVIDE INFORMATION REGARDING AFFILIATIONS AND/OR REASONS FOR DISCONTINUATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(14) by violating the requirements of N.Y. Public Health Law §2805-k(1)(a) and/or (b) as alleged in the facts of the following:

7. Paragraph D.

EIGHTH AND NINTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6030(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

8. Paragraph C.
9. Paragraph D.

DATED: September , 2002
New York, New York

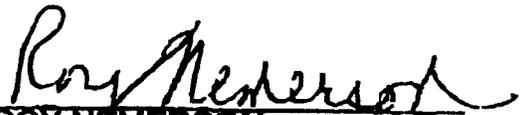

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

To 2003 ORDER

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession. Respondent acknowledges that if s/he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2209; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.

7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Within thirty days of the effective date of the Order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage in limits no less than \$2 million per occurrence and \$8 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

EXHIBIT "B" TO 2007 ORDER

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Publ. Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment, practice, and each and every professional affiliation or association; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

PRACTICE MONITOR

9. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to meet all requirements of this order and report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
10. Respondent shall enroll in and complete a continuing education program in an area or areas specified by the Director of OPMC. This continuing education program is subject to the Director's prior written approval and shall be completed within the first year of the probation period.
11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

EXHIBIT "C"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A
REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more)
OF A MEDICAL LICENSE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Consent Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within 30 days of the Consent Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and, for minors, at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 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 inability to pay.
5. Within 15 days of the Consent Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Consent Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Consent Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
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 practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Consent Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Consent Order, Respondent shall, within 90 days of the Consent Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with N.Y. Bus. Corp. Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Consent Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.