



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

September 6, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Richard Monticciolo, M.D.
2275 Silas Deane Highway
Rocky Hill, Connecticut 06067

RE: License No. 169443

Dear Dr. Monticciolo:

Effective Date: 09/13/95

Enclosed please find Order #BPMC 95-207 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Ernest J. Mattei, Esq.
Day, Berry & Howard
City Place
Hartford, Connecticut 06103-3499

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
RICHARD MONTICCIOLO, M.D.

CONSENT
ORDER

BPMC #95-207

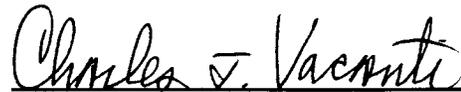
Upon the application of RICHARD MONTICCIOLO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 by certified mail, whichever is earliest.

SO ORDERED.

DATED: 1 September 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RICHARD MONTICCIOLO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF CONNECTICUT)
COUNTY OF *Hartford*) ss.:

RICHARD MONTICCIOLO, M.D., being duly sworn, deposes and says:

That on or about March 4, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 169443 by the New York State Education Department.

My current address is 2275 Silas Deane Highway, Rocky Hill, CT 06067, 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 one specification of professional misconduct.

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

I admit guilt to the First Specification and the related factual allegations in full satisfaction of the charges against me. I hereby agree that I shall be subject to a Censure and Reprimand and further agree to a three year period of probation, which period shall be tolled until and unless I engage in the active practice of medicine in the State of New York, with terms and conditions as set forth in the "Terms of Probation," a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "B".

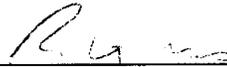
I hereby make this Application to the State Board for Professional Medical

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



RICHARD MONTICCIOLO, M.D.
RESPONDENT

Sworn to before me this

23rd day of August, 1995.

Theresa J. Backman
NOTARY PUBLIC

My Commission expires 11-30-98

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

IN THE MATTER
OF
RICHARD MONTICCIOLO, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE: 8/22/95 [Signature]

RICHARD MONTICCIOLO, M.D.
Respondent

DATE: 8/23/95 [Signature]

ERNEST MATTEI, ESQ.
Attorney for Respondent

DATE: 8/24/95 [Signature]

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Aug 30, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 1 September 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
RICHARD MONTICCIOLO, M.D.**

STATEMENT
OF
CHARGES

RICHARD MONTICCIOLO, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 4, 1987, by the issuance of license number 169443 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 22, 1994, the Connecticut Medical Examining Board imposed a reprimand and two years of probation, with conditions including a \$5000 charitable contribution, 100 hours of CME in substance abuse and pain treatment, continuing education on the prescribing of controlled substances, 800 hours of community service, and compliance with the terms of his surrender of his controlled substance registration, upon finding Respondent guilty of issuing prescriptions for excessive amounts of controlled substances and/or narcotic substances to each of eight patients in violation of Conn. Gen. Statutes Sec. 20-13c(4), failing to maintain accurate and complete medical records for each of the eight patients in violation of Conn. Gen. Statutes Sec. 20-13c(4), and engaged in negligent and incompetent conduct in the practice of medicine with regard to each of ten patients to whom he prescribed controlled substances in violation of Conn. Gen. Statutes Sec. 20-13c. If committed in New York, this conduct would constitute professional misconduct under N.Y. Educ. Law Sec. 6530 (3) (practicing with negligence on more than one occasion), 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient), and/or 6530(35)

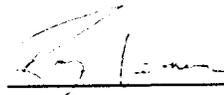
(ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient).

SPECIFICATION OF CHARGES
FIRST SPECIFICATION
HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law 6530(9)(b) (McKinney Supp. 1995) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state as alleged in the facts of the following:

1. Paragraph A.

DATED: June 28, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. RICHARD MONTICCIOLO, M.D., during the period of probation, 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 imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall maintain complete, legible and accurate records of his evaluation and treatment of each of his patients, and of his ordering, purchasing, dispensing, administering and/or prescribing of controlled substances, official New York State triplicate prescription books and any other records which may now or hereafter be required by the New York Public Health law or other state law, rules or regulations. Respondent shall make these records available, upon request, to the Director of OPMC or her designee.
6. Respondent shall meet on a quarterly basis with a Medical Coordinator or other physician designated by the Director of OPMC. Said physician may review Respondent's records and reports.
7. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;

8. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
10. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.