



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.
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Office of Professional Medical Conduct

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Vice Chair

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

May 5, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John L. Sbarbaro, M.D.
1801 Conestoga Road
Chester Springs, PA 19425

RE: License No. 079271

Dear Dr. Sbarbaro:

Enclosed please find Order #BPMC 00-142 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 5, 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: Emily J. Lawrence, Esq.
1701 Market Street
Philadelphia, PA 19103

Robert Bogan, Esq.

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

**IN THE MATTER
OF
JOHN L. SBARBARO, M.D.**

**SURRENDER
ORDER**
BPMC #00-142

JOHN L. SBARBARO M.D., says:

On or about May 2, 1957, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 079271 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the three (3) specifications set forth in the Statement of Charges (Exhibit A).

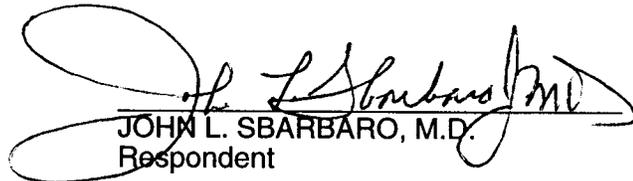
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: 4/19, 2000


JOHN L. SBARBARO, M.D.
Respondent

AGREED TO:

Date: 4-18, 2000


EMILY J. LAWRENCE, ESQ.
Attorney for Respondent

Date: 21 April, 2000


ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: May 3, 2000


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of JOHN L. SBARBARO, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent's attorney at the addresses set forth in this agreement, or upon transmission via facsimilie to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5/4/00



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

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

**IN THE MATTER
OF
JOHN L. SBARBARO, M.D.**

**STATEMENT
OF
CHARGES**

JOHN L. SBARBARO, M.D., the Respondent, was authorized to practice medicine in New York State on May 2, 1957, by the issuance of license number 079271 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 8, 1996, in the United States District Court, District of Delaware, Respondent was found guilty of three counts of tax evasion, in violation of title 26 U.S.C. 7201, and on or about August 5, 1996, was sentenced to six (6) months imprisonment, fined \$20,000.00, ordered to pay \$384,801 restitution, and upon release from prison, placed on one year probation and required to perform 1,000 hours of community service.

B. On or about September 10, 1999, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine (hereinafter "Pennsylvania Board") by an Adjudication and Order (hereinafter "Pennsylvania Order"), revoked Respondent's license to practice medicine and surgery, based upon the conviction described in Paragraph A above.

C. The conduct resulting in the Pennsylvania Board's 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(9)(a)(ii) (being convicted of a crime under federal law);
2. 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);
3. New York Education Law §6530(20) (moral unfitness); and/or
3. New York Education §6530(21) (filing a false report).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraphs A .

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) 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, in that the Petitioner charges:

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

THIRD SPECIFICATION

Respondent is charged with professional misconduct by having violated New York State Education Law §6530(9)(d) by having had his license to practice medicine revoked or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

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

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


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