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

Anthony Procaccino, M.D.
933 Peace Street
Pelham Manor, New York 10803

RE: License No. 030791

Dear Dr. Procaccino:

Effective Date: 09/13/95

Enclosed please find Order #BPMC 95-209 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

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

Enclosure

cc: Joseph LaBarbera, Esq.
Lipshutz, Polland & Associates, P.C.
675 3rd Avenue
New York, New York 10017

Claudia Bloch, Esq.

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

IN THE MATTER OF ANTHONY PROCACCINO, M.D.	SURRENDER ORDER BPMC 95-209

Upon the Application of ANTHONY PROCACCINO, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

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

ORDERED, that 90 days after the effective date of this order, as set forth below, the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that immediately upon the effective date of this order, as set forth below, Respondent's license to practice medicine in the State of New York shall be limited, pursuant to N.Y. Public Health Law §230-a(3), to preclude his prescribing, dispensing, and/or administering of any controlled substance enumerated on schedules II and/or III, as set forth in Article 33 of the N.Y. Public Health Law and/or the regulations promulgated thereunder.

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: 25 July 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 ANTHONY PROCACCINO, M.D.	APPLICATION TO SURRENDER LICENSE

STATE OF NEW YORK)
ss.:
COUNTY OF BRONX)

ANTHONY PROCACCINO, M.D., being duly sworn, deposes and says:

On or about June 27, 1935, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 030791 by the New York State Education Department.

My current address is 933 Peace Street, Pelham Manor, NY, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification 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 permission to surrender my license as a physician in the State of New York, effective as of 90 days after the effective date of the Chairperson's Order accepting this Application, on the grounds that I do not contest the specification, in full satisfaction of the Statement of Charges. I further apply for, and agree to, the imposition of a limitation on my license [Public Health Law §230-a(3)], precluding my prescribing, dispensing, and/or administering of any controlled substance enumerated as schedule II and/or III, as set forth in Article 33 of the New York Public Health Law

and/or the regulations promulgated thereunder, said limitation shall be imposed immediately upon the effective date of the instant order.

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

I understand that, in the event that the application 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 application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduc disciplinary proceeding; and such denial by the State Board for Professional Medica 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

Anthony Procaccino, M.D.

ANTHONY PROCACCINO, M.D.
Respondent

Sworn to before me this

19 day of July, 1995

NOTARY PUBLIC

JOSEPH J. LA BARBERA
Notary Public, State of New York
No. 24-4961854
Qualified in Kings County
Commission Expires February 5, 19 96

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

IN THE MATTER OF ANTHONY PROCACCINO, M.D.	APPLICATION TO SURRENDER LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 7/19, 1995

Anthony Procaccino, M.D.

ANTHONY PROCACCINO, M.D.
Respondent

Date: 7/19, 1995

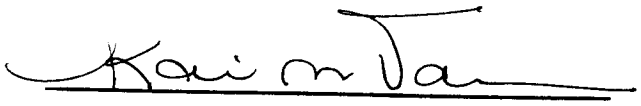
JOSEPH LaBARBERA, Esq.
Attorney for Respondent

Date: 7/20, 1995

Claudia M. Bloch

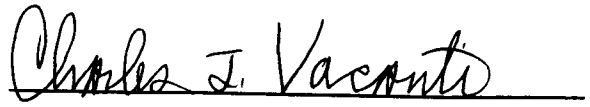
CLAUDIA MORALES BLOCH
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 7/25, 1995



KATHLEEN M. TANNER
Director
Office of Professional Medical Conduct

Date: 25 July, 1995



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

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

IN THE MATTER OF ANTHONY PROCACCINO, M.D.	STATEMENT OF CHARGES

ANTHONY PROCACCINO, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 27, 1935, by the issuance of license number 030791 by the New York State Education Department.

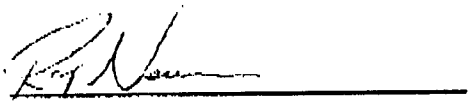
SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(e) (McKinney Supp. 1995), in that Respondent was found by the commissioner of health to be in violation of Article thirty-three of the public health law, specifically:

> On or about March 4, 1991, a Stipulation and Order was entered wherein Respondent admitted to having violated Section 3332(3) and 10 NYCRR 80.67(c) (prescribing controlled substances in excess of a thirty day supply); Section 3332(2)(a) (failing to write the age of the ultimate user of controlled substances); and Section 3332(4) and 10 NYCRR 80.67(d) (failing to maintain a copy of the official

New York State prescription forms issued for a five year period).

DATED: May 15, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct