



*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.  
*Commissioner*  
*NYS Department of Health*  
Dennis P. Whalen  
*Executive Deputy Commissioner*  
*NYS Department of Health*  
Anne F. Saile, Director  
*Office of Professional Medical Conduct*

William P. Dillon, M.D.  
*Chair*  
Denise M. Bolan, R.P.A.  
*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

December 31, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Elio Ippolito, M.D.  
200 South Broadway  
Tarrytown, NY 10562

RE: License No.: 086623

Dear Dr. Ippolito

Enclosed please find Order #BPMC 99-335 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 7, 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: Paul S. Kleidman, Esq.  
Feldman, Kleidman & Coffey, LLP  
153 Main Street, PO Box A  
Fishkill, NY 12524-0395

Anthony Benigno, Esq.

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

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IN THE MATTER : APPLICATION TO  
OF : MODIFY ORDER  
ELIO IPPOLITO, M.D. : BMC #99-335

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ELIO IPPOLITO, M.D., the Respondent, states that I was authorized to practice medicine in New York State on September 21, 1961, by the issuance of License No. 086623 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 current address is 200 South Broadway, Tarrytown, NY 10562, and I will advise the Director of the Office of Professional Medical Conduct of any changes of my address.

I am the subject to Order No. BMC 98-55, 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 the original order to substitute a penalty of censure and reprimand with two years probation for the original penalty of three years stayed suspension with three years probation. The terms of probation will remain the same as in the original order and run from the effective date of the original order. This application to modify the prior order is based upon my petition to the Board and its review, and upon the understanding that this modification order will be a revision of the original order, with the penalty predicated upon the same matter as was the original order. The modification order to be issued will not constitute a new

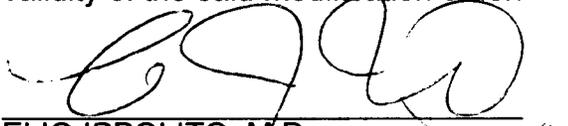
disciplinary action against me, but will substitute a censure and reprimand with two years probation for the sanction imposed by the original order.

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.

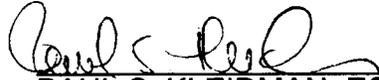
I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification order.

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 modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification order.

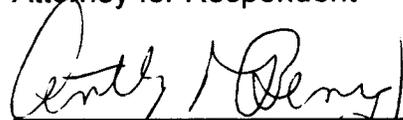
  
ELIO IPPOLITO, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order.

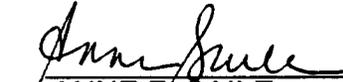
Date: Dec 15, 1999

  
\_\_\_\_\_  
PAUL S. KLEIDMAN, ESQ.  
Attorney for Respondent

Date: 12/20, 1999

  
\_\_\_\_\_  
ANTHONY M. BENIGNO, ESQ.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: December 23 1999

  
\_\_\_\_\_  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

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

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IN THE MATTER : MODIFICATION  
OF : ORDER  
ELIO IPPOLITO, M.D. : BMC #99-335

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Upon the application of ELIO IPPOLITO, 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 98-55 is modified to replace the sanction imposed with a sanction of censure and reprimand with two years probation; 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: 12/27/99



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

Exhibit 1



*New York State Board for Professional Medical Conduct*

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

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

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

March 23, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Elio Ippolito, M.D.  
200 South Broadway  
Tarrytown, New York 10562

**RECEIVED**  
Physician Monitoring

**MAR 23 1998**

Office of Professional  
Medical Conduct

RE: License No. 086623

Dear Dr. Ippolito:

Enclosed please find Order #BPMC 98-55 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 23, 1998.

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  
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: Kalimah Jenkins, Esq.

EXHIBIT 1

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

-----X

IN THE MATTER : CONSENT  
OF : AGREEMENT  
ELIO IPPOLITO, M.D. : AND ORDER  
: BPMC # 98-55

-----X

STATE OF NEW YORK )  
                          ) SS.:  
COUNTY OF WESTCHESTER)

ELIO IPPOLITO, M.D., being duly sworn, deposes and says:

That on or about September 21, 1961, I was licensed to practice as a physician in the State of New York, having been issued license number 086623 by the New York State Education Department.

My current address is 200 South Broadway, Tarrytown, NY 10562, 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 two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the allegations in the two specification(s), in full satisfaction of the charges against me. I hereby agree to the following penalty:

a. Three years suspension stayed with probation subject to the terms annexed hereto, made a part hereof, and marked as

Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that 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 as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, 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.

AFFIRMED:

  
JANE GOODRICH  
Notary Public, State of New York  
No. 01G04611371  
Qualified in Westchester County  
Commission Expires Aug. 31, 1999

  
ELIO IPPOLITO, M.D.  
RESPONDENT

3/12/98

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

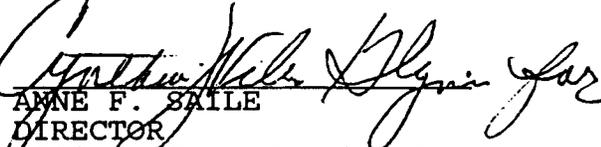
DATE: \_\_\_\_\_

\_\_\_\_\_, ESQ.  
Attorney for Respondent

DATE: 3/16/98

  
KALIMAH J. JENKINS  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 3/17/98

  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

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

-----X  
IN THE MATTER :  
OF : CONSENT  
ELIO IPPOLITO, M.D. : ORDER  
:  
-----X

Upon the proposed agreement of ELIO IPPOLITO, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is agreed to and

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

ORDERED, that this order shall be effective as of the date  
of the personal service of this order upon Respondent, upon  
mailing of this order to Respondent at the address set forth in  
this agreement or to Respondent's attorney by certified mail, or  
upon transmission via facsimile to Respondent or Respondent's  
attorney, whichever is earliest.

SO ORDERED.

DATED: 3/19/98

  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

E X H I B I T A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
ELIO IPPOLITO, M.D. : CHARGES

-----X

ELIO IPPOLITO, M.D., the Respondent, was authorized to practice medicine in New York State on September 21, 1961 by the issuance of license number 086623 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period March 1, 1997, through February 28, 1999, with a registration address of 200 South Broadway, Tarrytown, NY 10562.

FACTUAL ALLEGATIONS

A. On or around November 14, 1990, Respondent entered into a Stipulation and Order with the New York State Department of Health, Bureau of Controlled Substances, whereby he admitted that he violated Public Health Law § 3335(3) and 10 NYCRR § 69(c).

B. More specifically, from approximately January 16, 1987 and December 29, 1988, Respondent improperly prescribed excessive quantities of controlled substances to certain patients.

C. As a result of the Stipulation and Order, Respondent was, among other things, (1) ordered to pay a \$5,000 fine, \$3,000

of which was suspended, and (2) suspended from writing New York State prescriptions for a two year period, all of which was suspended.

D. On or around February 2, 1995, Respondent signed a document waiving his right to a fair hearing after the Commissioner of the Department of Health determined that Respondent violated Public Health Law § 2803-d.

E. More specifically, from approximately January 18, 1992 through March 13, 1992, Respondent became the attending physician for patient A (identified in the appendix).

F. On or around January 18, 1992, Respondent ordered L-thyroxine for patient A in an amount of .375 mg/daily, which was a ten-fold increase from patient A's original dosage and an excessive amount for patient A.

G. On or around February 15, 1992, Respondent reduced patient A's order for L-thyroxine to an amount of .250 mg/daily, which was a six-fold increase from patient A's original dosage and an excessive amount for patient A.

H. As a result of Respondent's waiver of his right to a fair hearing and based on the findings above, Respondent was found to have violated Public Health Law § 2803-d and ordered to pay a penalty of \$2,000, \$1,000 of which was suspended.

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(9)(e) by reason of having been found by the Commissioner of Health to be in violation of article 33 of the Public Health Law in that Petitioner charges:

1. The facts in Paragraphs A and/or B and/or C.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(14) by reason of violating section twenty eight hundred three-d of the Public Health Law in that Petitioner charges:

2. The facts in Paragraphs D and/or E and/or F and/or G and/or H.

DATED: *March 16*, 1998  
Albany, New York

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

EXHIBIT "B"

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;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; 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. 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 less 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 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.
9. Respondent shall enroll in and complete a course in the proper prescribing of controlled substances proposed by Respondent and subject to the prior written approval of the Director. Respondent shall complete the course or program within ninety (90) days of the effective date of this Order, unless the Director approves and extension in writing.

10. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.