

Public

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

IN THE MATTER
OF
PREMIER MEDICAL CARE, P.C.

MODIFICATION
ORDER

BPMC No. 07-91

Upon the proposed Application for a Modification Order of PREMIER MEDICAL CARE, P.C. (Respondent), which is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application and its terms are adopted and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order by first class mail to Respondent in care of Michael E. Conrad, M.D. at 8012 Third Avenue, Brooklyn, N.Y. 11209 or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent in care of Michael E. Conrad, M.D., or to Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 6-25-07



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

IN THE MATTER
OF
PREMIER MEDICAL CARE, P.C.

APPLICATION FOR
MODIFICATION
ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

PREMIER MEDICAL CARE, P.C. (Respondent) being duly sworn, deposes and says:

Respondent is a professional service corporation duly authorized to practice medicine in New York State by the filing of a certificate of incorporation with the Department of State on December 28, 1995, pursuant to N.Y. Bus. Corp. Law, Article 15. Respondent makes this consent application through its sole shareholder, Michael E. Conrad, M.D., and both Respondent and Michael E. Conrad, M.D., warrant that Michael E. Conrad, M.D. has the necessary corporate authority to enter into this Consent Agreement and Order on Respondent's behalf.

Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of N.Y. Pub. Health Law, Article 2, Title II-A, pursuant to N.Y. Bus. Corp. Law §1503(d).

Respondent is currently subject to BPMC Order # 07-91 (Attachment I) (henceforth "Consent Order"), revoking Respondent's certificate of incorporation, which was issued upon an application entitled Consent Agreement signed by Michael E. Conrad, M.D. on April 24, 2007 (henceforth "Consent Agreement"), adopted by the Consent Order. Respondent hereby applies to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order")

modifying the Consent Order, the Consent Agreement and its attachment, Exhibit "A" (the Statement of Charges), by substituting the correct date of the filing of the certificate of incorporation with the Department of State, i.e. December 28, 1995, in all places where that date is recited as November 13, 1995 in the original Consent Order. The penalty of revocation of the certificate of incorporation and all remaining terms and conditions will continue as written in the original Consent Order.

Respondent makes this Application freely and not under duress, compulsion or restraint of any kind, and seeks the anticipated benefit of the requested Modification. In consideration of the value to Respondent of the Board's acceptance of this Application, Respondent knowingly waives its right to contest the original Consent Order or the Modification Order for which it applies, whether administratively or judicially, and asks that the Board grant this Application.

Respondent understands and agrees 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 Modification Agreement and Order, based upon Respondent's application, or to decline to do so. The Respondent further understands and agrees that no prior or separate written or oral communication can limit that discretion.

DATE: 6/5/07

PREMIER MEDICAL CARE, P.C.

BY:

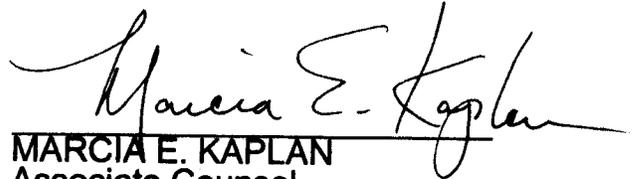
Michael E. Conrad
Michael E. Conrad, M.D.
Sole Shareholder

The undersigned agree to Respondent's attached Application and to its terms and conditions.

DATE: 6/6/07


DAVID M. RICHMAN, ESQ.
Attorney for Respondent

DATE: June 15, 2007


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/21/07


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

Attachment 1

Public

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

IN THE MATTER
OF
PREMIER MEDICAL CARE, P.C.

CONSENT
ORDER

BPMC No. #07-91

Upon the proposed application of PREMIER MEDICAL CARE, P.C., in the attached Consent Agreement, which is made a part of this Consent Order, it is

ORDERED, that the proposed Consent Agreement and its terms, are adopted and it is further

ORDERED, that Respondent's certificate of incorporation, which was filed with the Department of State on November 13, 1995, is hereby revoked, effective immediately, and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of the Consent Agreement and Order by first class mail to Respondent in care of Michael E. Conrad, M.D. at 8012 Third Avenue., Brooklyn, N.Y. 11209 or by certified mail to Respondent's attorney OR
- upon facsimile transmission to Respondent in care of Michael E. Conrad, M.D., or to Respondent's attorney, whichever is earliest.

SO ORDERED.

DATE: 4-25-07


KENDRICK A. SEARS, 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
PREMIER MEDICAL CARE, P.C.

CONSENT
AGREEMENT

Respondent is a professional service corporation duly authorized to practice medicine in New York State by the filing of a certificate of incorporation with the Department of State on November 13, 1995, pursuant to N.Y. Bus. Corp. Law, Article 15. Respondent makes this consent application through its sole shareholder, Michael E. Conrad, M.D., and both Respondent and Michael E. Conrad, M.D., warrant that Michael E. Conrad, M.D. has the necessary corporate authority to enter into this Consent Agreement and Order on Respondent's behalf and to consent to the revocation of Respondent's certificate of incorporation.

Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of N.Y. Pub. Health Law, Article 2, Title II-A, pursuant to N.Y. Bus. Corp. Law §1503(d).

Respondent is applying to the State Board for Professional Medical Conduct for a Consent Order imposing a penalty, pursuant to N.Y. Pub. Health Law § 230-a and N.Y. Bus. Corp. Law §1503(d), of revocation of its certificate of incorporation, effective immediately, by issuance of this Consent Order; provided, however, that pursuant to N.Y. Bus. Corp. Law, Article 10, Respondent will be permitted to wind up all its affairs, including, but not limited to, collecting legally owed outstanding accounts receivable, notwithstanding this

revocation. Respondent agrees that the revocation of its certificate of incorporation shall not absolve Respondent from paying any outstanding taxes, fines and penalties to the New York State Departments of State, Education, and Taxation and Finance.

Respondent acknowledges that it has been charged with professional misconduct as set forth in the attached Statement of Charges, which is marked as Exhibit "A" and made part of this Consent Order. Respondent does not contest the allegations and specification set forth in the Statement of Charges, in full satisfaction of the charges against it.

Respondent agrees that, if the Board accepts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms, revoking its certificate of incorporation. Respondent agrees that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Agreement and Order by first class mail to Respondent in care of Michael Conrad, M.D. at 8012 Third Avenue., Brooklyn, N.Y. 11209 or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent in care of Michael E. Conrad, M.D., or to Respondent's attorney, whichever is earliest. This Consent Order, and its exhibits, shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

Respondent understands that, if the Board does not accept this proposed Consent Agreement, none of its terms shall bind Respondent or constitute an admission of any of the acts of alleged misconduct; this application shall not be used against it in any way and shall be kept in strict confidence; and the Board's denial shall be made without prejudice to the continuance of any disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

Respondent stipulates that the proposed sanction and Consent Agreement and 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. Respondent makes this application freely and not under duress, compulsion or restraint of any kind. In consideration of the value to Respondent of the Board's acceptance of this Consent Agreement, allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, Respondent knowingly waives its right to contest the Consent Order for which it applies, whether administratively or judicially, and Respondent agrees to be bound by the Consent Agreement and Order.

Respondent understands and agrees 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 Consent Agreement and Order, based upon its application, or to decline to do so. The Respondent further understands and agrees that no prior or separate written or oral communication can limit that discretion.

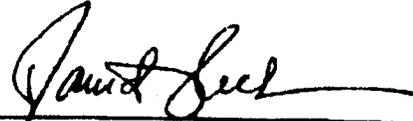
Date: 4/24/07, 2007

OMNI MEDICAL CARE, P.C.

By: Michael E. Conrad
MICHAEL E. CONRAD, M.D.
Sole Shareholder

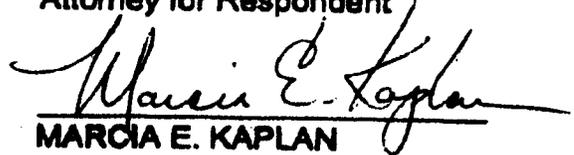
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 4/24/07



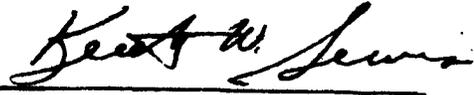
DAVID M. RICHMAN, ESQ.
Attorney for Respondent

DATE: April 24, 2007



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: April 25, 2007



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
PREMIER MEDICAL CARE, P.C.

STATEMENT
OF
CHARGES

PREMIER MEDICAL CARE, P.C., the Respondent, is a professional service corporation duly authorized to practice medicine in New York State by the filing of a certificate of incorporation with the Department of State on November 13, 1995, pursuant to N.Y. Bus. Corp. Law, Article 15. Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of N.Y. Pub. Health Law, Article 2, Title II-A, pursuant to N.Y. Bus. Corp. Law §1503(d).

FACTUAL ALLEGATIONS

- A. A professional service corporation may be organized for the purpose of rendering a professional service only by one or more individuals who are duly authorized by law to render the same professional service, pursuant to the legal requirements of N.Y. Bus. Corp. Law, Article 15, including, but not limited to, §1503(a).
- B. On or about December 3, 1985, Michael E. Conrad, M.D., was licensed to practice as a physician in the State of New York and issued license No. 164820 by the New York State Education Department. Accordingly, at all relevant times, Dr. Conrad was duly authorized by law to practice medicine in New York State.

- C. Pursuant to Respondent's certificate of incorporation, filed with the Secretary of State on November 13, 1995, Michael E. Conrad, M.D., was Respondent's sole shareholder, director and officer, and was identified as the individual who was duly authorized by law to practice medicine.
- D. Michael E. Conrad, M.D. remained Respondent's sole shareholder, director and officer from inception through the present, but did not operate or control Respondent, and did not practice medicine at Premier Medical Care, P.C..
- E. Persons who were not licensed to practice medicine were instrumental in operating and controlling Respondent, and handling its financial affairs, including billing insurance carriers for reimbursement on Respondent's behalf. From its inception, continuing through in or about January 2005, Michael E. Conrad, M.D.'s role was limited to that of Respondent's licensed physician of record in contravention of N.Y. Bus. Corp. Law, Article 15, including, but not limited to, §1503(a).
- F. During all relevant times, as set forth in paragraphs A through E above, the Respondent was in violation of N.Y. Bus. Corp. Law, Article 15, including, but not limited to, §1503(a).

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION

WILLFUL FAILURE TO COMPLY WITH N.Y. BUS. CORP. LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(12) by willfully failing to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law, as alleged in the facts of:

1. Paragraphs A - F.

DATE: April 25, 2007
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct