



New York State Board for Professional Medical Conduct

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

Richard F. Daines, M.D.
Commissioner
NYS Department of Health

Keith W. Servis
Director
Office of Professional Medical Conduct

Public

Kendrick A. Sears, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

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

September 17, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Francis D'Ambrosio, M.D.
28969 Cliffside Drive
Malibu, CA 90265

Re: License No. 170574

Dear Dr. D'Ambrosio:

Enclosed is a copy of Order #BPMC 07-201 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 24, 2007.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Peter R. Osinoff, Esq.
Bonne Bridges, P.C.
3699 Wilshire Blvd, 10th Floor
Los Angeles, CA 90010-1719

IN THE MATTER
OF
FRANCIS D' AMBROSIO, M.D.

CONSENT
ORDER

BPMC No. #07-201

Upon the application of (Respondent), **FRANCIS D' AMBROSIO, M.D.**, in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

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

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 9-17-07


KENDRICK A. SEARS, 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
FRANCIS D' AMBROSIO, M.D.
CO-07-03-1501-A

CONSENT
AGREEMENT
AND ORDER

FRANCIS D' AMBROSIO, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 1, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 170574 by the New York State Education Department.

My current address is 28969 Cliffside Drive, Malibu, CA 90265.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely upon the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, March 1, 2007, Decision.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I have not practiced medicine in the State of New York in many years and I do not intend to return to the practice of medicine in the State of New York. I do not, therefore, contest the two (2) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

This Order also supersedes Determination and Order No. 03-03 of the State of New York, Department of Health Administrative Review Board for Professional Medical Conduct, issued on or about April 18, 2003.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree 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 agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

APPROVED:

DATE: 9/6/07

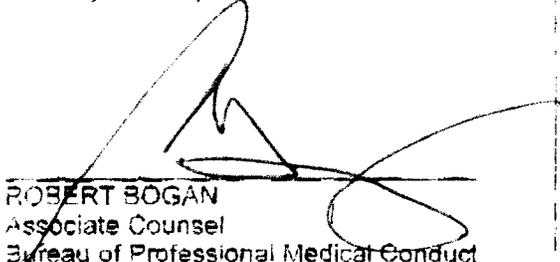

FRANCIS D' AMBROSIO, M.D.
Respondent

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

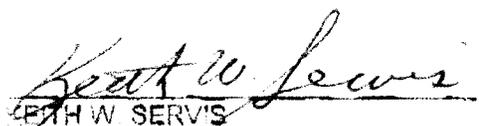
DATE: 9/10/07


PETER R. OSINOFF
Attorney for Respondent

DATE: 11 September 2007


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 9/13/07


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
FRANCIS D'AMBROSIO, M.D.	CHARGES
CO-07-03-1501-A	

FRANCIS D'AMBROSIO, M.D., Respondent, was authorized to practice medicine in New York State on July 1, 1987, by the issuance of license number 170574 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 1, 2007, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's license to practice medicine, stayed the revocation, and placed him on five (5) years probation, under terms and conditions that include, inter alia, that he enroll in a clinical training or educational program, that he not perform surgery, and that he have a practice monitor, based on gross negligence.

B. The conduct resulting in the California Board 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 State Education Law §6530(4) (gross negligence).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent 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 Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation and/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:

2. The facts in Paragraphs A and/or B.

DATED: *June 19*, 2007

Peter D. Van Buren

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct