



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

Charles J. Vacanti, M.D.
Chair

December 27, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Joseph Scolaro, M.D.
200 N. Robertson Boulevard
Beverly Hills, California 90201

RE: License No. 085372

Dear Dr. Scolaro:

Effective Date: 01/03/96

Enclosed please find Order #BPMC 95-310 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,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Anthony Z. Scher, Esq.
Wood & Scher
The Harwood Building
14 Harwood Court
Scarsdale, New York 10583

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
MICHAEL JOSEPH SCOLARO, M.D.

CONSENT
ORDER

BPMC #95-310

Upon the application of MICHAEL JOSEPH SCOLARO, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby
adopted and so ORDERED, and 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 by certified mail,
whichever is earliest.

SO ORDERED.

DATED: 23 December 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
MICHAEL JOSEPH SCOLARO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF CALIFORNIA)
COUNTY OF) ss.:

MICHAEL JOSEPH SCOLARO, M.D., being duly sworn, deposes and says:

That on or about January 21, 1961, I was licensed to practice as a physician in the State of New York, having been issued License No. 085372 by the New York State Education Department.

My current address is 200 N. Robertson Boulevard, Beverly Hills, California 90201, 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 one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification, in full satisfaction of the charges against me.

I hereby agree to the penalty of one year probation, which period shall be tolled until and unless I engage in the practice of medicine in the State of New York. The Terms of Probation are annexed hereto as Exhibit "B".

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

Michael Joseph Scolaro, M.D.

MICHAEL JOSEPH SCOLARO, M.D.
RESPONDENT

Sworn to before me this

20 day of November, 1995.

[Signature]
NOTARY PUBLIC



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

IN THE MATTER
OF
MICHAEL JOSEPH SCOLARO, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE:

12/15/95

Michael Joseph Scolaro, M.D.

MICHAEL JOSEPH SCOLARO, M.D.
Respondent

DATE:

12/15/95

Anthony Z. Scher, Esq.
ANTHONY Z. SCHER, ESQ.
Attorney for Respondent

DATE:

12/15/95

Daniel Guenzburger
DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On November 27, 1995 before me, Jonathon J Hocut, Notary Public

personally appeared Michael Joseph Scoglio, M.D.

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Application for Consent Order

Document Date: 11-27-95 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing:



Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing:



DATE: 12/21/95

Anne Sullivan

Acting

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 23 December 1995

Charles J. Vacanti

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

"EXHIBIT A"

IN THE MATTER
OF
MICHAEL JOSEPH SCOLARO, M.D.

STATEMENT
OF
CHARGES

MICHAEL JOSEPH SCOLARO, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 21, 1961 by the issuance of license number 085372 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 26, 1994 the California Board of Medical Quality Assurance ("Board") imposed a professional discipline sanction against Respondent, based upon Respondent's agreement that the Board impose a sanction even though he neither admitted nor denied the the allegations in the Statement of Charges. Respondent had been charged with violating the following sections of the California Business and Professions Code ("Code"): Code§2234(b) ("Gross negligence"); Code§2234(c) ("Repeated negligent acts"); and Code§2234(d) ("Incompetence"). The Board charged that the Respondent disregarded well-established standard research practices while treating eleven terminally ill AIDS patients with a therapy that was not medically recognized. The Board ordered 90 days stayed suspension and placed the Respondent on three years probation.

SPECIFICATION OF CHARGES

SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1995) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York state, constitute professional misconduct under N.Y. Educ. Law §6530(3) ("Negligence on more than one occasion"), N.Y. Educ. Law §6530(4) ("Gross negligence"), and N.Y. Educ. Law 6530(5) ("Incompetence on more than one occasion") (McKinney Supp. 1995), as alleged in the facts of the following:

1. Paragraph A.

DATED: October 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MICHAEL JOSEPH SCOLARO, M.D., during the period of probation, 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 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, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. Respondent must comply with medically accepted research practices and guidelines, in the event he practices experimental medicine in

New York state. Prior to practicing experimental medicine in New York state, Respondent must notify the Office of Professional Medical Conduct of his intent to engage in such practice. Respondent shall provide the Office of Professional Medical Conduct with written documentation or other proof which demonstrate his compliance with medically accepted research guidelines for the practice of experimental medicine.

8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
9. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, prior to engaging in the practice of medicine in New York state, Respondent shall notify the Director, in writing, of his intention to practice medicine.