



***New York State Board for Professional Medical Conduct***

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

Nirav R. Shah, M.D., M.P.H.  
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NYS Department of Health  
James W. Clyne, Jr.  
Executive Deputy Commissioner  
Keith W. Servis, Director  
Office of Professional Medical Conduct

Public

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Chair  
Carmella Torrelli  
Vice Chair  
Katherine A. Hawkins, M.D., J.D.  
Executive Secretary

January 31, 2011

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Jadwiga H. Pawlowski, M.D.  
19 East 80th Street  
New York, NY 10021

RE: License No. 119256

Dear Dr. Pawlowski:

Enclosed is a copy of Order BPMC #11-20 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 7, 2011.

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 1717  
Empire State Plaza  
Albany, New York 12237

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

cc: Lourdes Martinez, Esq.  
Garfinkel, Travis, Wild, P.C.  
111 Great Neck Road  
Great Neck, NY 11021

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

IN THE MATTER  
OF  
JADWIGA PAWLOWSKI, M.D.

CONSENT  
ORDER

BPMC No. #11-20

Upon the application of (Respondent) JADWIGA PAWLOWSKI, 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.

DATE: 1/28/11

REDACTED

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

**IN THE MATTER**

**OF**

**JADWIGA PAWLOWSKI, M.D., QUALITY MEDICAL  
HEALTHCARE PROVIDER PC, J P MEDICAL PC,  
ACCURATE MEDICAL PC, and NOLIA MEDICAL PC**

CONSENT  
AGREEMENT  
AND  
ORDER

JADWIGA PAWLOWSKI, M.D., represents that all of the following statements are true:

That on or about March 1, 1974, I was licensed to practice as a physician in the State of New York, and issued License No. 119256 by the New York State Education Department. I am an officer and shareholder of the four professional service corporations identified in the caption of this consent agreement. The articles of incorporation for the professional service corporations were filed with the New York State Department of State as follows: QUALITY MEDICAL HEALTHCARE PC (filed on 04/28/05); JP MEDICAL PC (filed on 12/29/95); NOLIA MEDICAL PC (filed on 10/25/07); ACCURATE MEDICAL, P.C. (filed on 10/05/98).

My current address is 19 East 80<sup>th</sup> Street, New York, New York 10021, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification of professional misconduct.

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

I agree not to contest the one specification of misconduct, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be limited to preclude me:

- From being an officer, director and/or shareholder in a professional service corporation or any other type of physician business entity, with the one exception to this limitation being that I may be an officer, director or shareholder in a physician business entity in which I am the sole physician provider of patient care.
- From receiving funds from any third party for the rendering of a physician professional service that is not related to the direct provision of patient care.

Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of fifteen hundred dollars (\$1500.00) to be paid in full within one year of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 1717  
Albany, New York 12237

I further agree that the Consent Order shall impose the following conditions:

That I agree to sever any professional relationship I may currently have and/or shall refrain from entering into any professional relationship with the following entities: Uptown Health Care Medical, Inc., New York Neuro and Rehab, Inc., East Tremont Ambulatory Surgical Center, Inc., and Jerome Family Health Center, Inc.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to

the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. 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.

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 N.Y. Pub. 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 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. 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.

DATE 01/17/11

REDACTED

~~JADWIGA PAWLOWSKI, M.D.~~

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

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

REDACTED

~~LOURDES MARTINEZ, ESQ.~~  
Garfunkel Wild, P.C.  
Attorney for Respondent Pawlowski

DATE: 1/19/11

REDACTED

~~DANIEL GUENZBURGER~~  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 1/27/11

REDACTED

~~KEITH W. SERVIS~~  
Director  
Office of Professional Medical Conduct



Exhibit A

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

**IN THE MATTER  
OF  
JADWIGA PAWLOWSKI, M.D., QUALITY MEDICAL  
HEALTHCARE PROVIDER PC, J P MEDICAL PC,  
ACCURATE MEDICAL PC, and NOLIA MEDICAL PC**

STATEMENT  
OF  
CHARGES

JADWIGA PAWLOWSKI, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 1, 1974, by the issuance of license number 119256 by the New York State Education Department. Respondents QUALITY MEDICAL HEALTH CARE PROVIDER PC, JP MEDICAL PC, ACCURATE MEDICAL PC, and NOLIA MEDICAL PC were authorized as physician professional service corporations by the New York State Department of State on various dates between December 1995 and October 2007. Respondent PAWLOSKI is a shareholder, officer and director of the Respondent professional service corporations.

**FACTUAL ALLEGATIONS**

- A. Pursuant to Article 15 of the Business Corporation Law, professional service corporations may only render professional services through individuals authorized by law to render such professional services as individuals.
1. Respondent Pawlowski permitted individuals who lacked a medical license to organize, operate and/or control Respondents QUALITY MEDICAL HEALTH CARE PROVIDER PC, JP MEDICAL PC, ACCURATE MEDICAL PC, and NOLIA MEDICAL PC.

- B. Respondent QUALITY MEDICAL HEALTH CARE PROVIDER PC failed to comply with Article 15 of the Business Corporation Law in that individuals who lacked a medical license operated and/or controlled the professional service corporation.
- C. Respondent JP MEDICAL PC failed to comply with Article 15 of the Business Corporation Law in that individuals who lacked a medical license operated and/or controlled the professional service corporation.
- D. Respondent ACCURATE MEDICAL PC failed to comply with Article 15 of the Business Corporation Law in that individuals who lacked a medical license operated and/or controlled the professional service corporation.
- E. Respondent NOLIA MEDICAL PC failed to comply with Article 15 of the Business Corporation Law in that individuals who lacked a medical license operated and/or controlled the professional service corporation.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **PERMITTING, AIDING OR ABETTING THE UNLICENSED PRACTICE OF MEDICINE**

Respondent PAWLOSKI is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(11) by permitting, aiding, or abetting an unlicensed person to perform activities requiring a license, as alleged in the facts of:

1. A, A1, B, C, D, and/or E.

## SECOND THROUGH FIFTH SPECIFICATIONS

### FAILING TO COMPLY WITH STATE LAW

Respondents QUALITY MEDICAL HEALTH CARE PROVIDER PC, JP MEDICAL PC, ACCURATE MEDICAL PC, and NOLIA MEDICAL PC are charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(16) by willfully and/or grossly negligently failing to comply with substantial provisions of State law governing the practice of Medicine, namely Article 15 of the Business Corporation Law, as alleged in the facts, respectively, of:

2. Paragraph B with regard to Respondent QUALITY MEDICAL HEALTH CARE PROVIDER PC.
3. Paragraph C with regard to Respondent J P MEDICAL PC.
4. Paragraph D with regard to Respondent ACCURATE MEDICAL PC.
5. Paragraph E with regard to Respondent NOLIA MEDICAL PC.

DATE: January 20, 2011  
New York, New York

REDACTED

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct