



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
James W. Clyne, Jr.
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

PUBLIC

Kendrick A. Sears, M.D.
Chair
Carmela Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

December 30, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mark D. Freilich, M.D.

Redacted Address

RE: License No. 125063

Dear Dr. Freilich:

Enclosed is a copy of the Modification of Order BPMC #07-224 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 5, 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 Signature

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

cc: Robert Freilich, Esq.

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

IN THE MATTER
OF
MARK D. FREILICH, M.D.

MODIFICATION
ORDER

Upon the proposed Application for a Modification Order of MARK D. FREILICH, M.D. (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 at the address in the attached Application or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 12/29/2010

Redacted Signature

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

IN THE MATTER
OF
MARK D. FREILICH, M.D.

APPLICATION FOR
MODIFICATION
ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

MARK D. FREILICH, M.D., (Respondent) being duly sworn, deposes and says:

That on or about September 15, 1975 , I was licensed to practice as a physician in the State of New York, and issued License Number 125063 by the New York State Education Department.

My current address is Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC Order # 07-224 (Attachment I) (henceforth "Original Order"), which was issued upon an Application For Consent Order signed by me on October 3, 2007, (henceforth "Original Application"), adopted by the Original Order.

I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

The sanction imposed in the Original Order was:

Pursuant to N.Y. Pub. Health Law § 230-a(2), Respondent's license to practice medicine in New York State shall be suspended for 36 months, stayed.

Pursuant to N.Y. Pub. Health Law § 230-a(9), Respondent shall be placed on probation for a period of three years, subject to the terms set forth in attached Exhibit "B";

Respondent shall pay a \$50,000 fine. Payment of the fine imposed is also a term of probation. The fine is payable in full within three years 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 1245
Albany, New York 12237

Respondent shall comply fully with the September 14, 2006, Final Order of the New Jersey State Board of Medical Examiners and any extension or modification thereof.

- Respondent shall provide a written authorization for the New Jersey State Board of Medical Examiners to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the New Jersey Order.
- Respondent shall submit quarterly a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the New Jersey Order during the declaration period specified.

The sanction imposed in the Original Order shall be modified only with respect to the payment of the fine. Where the Original Order required a \$50,000 fine, payable in full within three years of the effective date of the Order, the sanction with respect to the payment of the fine shall now read, as follows:

Respondent shall pay a \$25,000 fine, payable in equal quarterly installments over a two year period, as follows: Respondent shall pay the sum of \$3125 on each of the following dates: January 1, 2011, April 1, 2011, July 1, 2011, October 1, 2011, January 1, 2012, April 1, 2012, July 1, 2012 and October 1, 2012. Payment of the fine imposed is also a term of probation. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

Respondent represents that he is not currently employed. Upon Respondent's return to medical practice and his employment for any nine months during the two year period ("enhanced fine triggering date"), the amount of Respondent's fine shall be modified, so that Respondent shall pay a \$40,000 fine in total, rather than a \$25,000 fine. After the enhanced fine triggering date, Respondent shall make equal quarterly payments in an amount calculated to effect Respondent's payment of the \$40,000 fine within three years from the effective date of the Modification Order.

- Within five business days of the effective date of the Modification Order, Respondent shall bring himself into compliance with the term of the Original Order requiring his continuous compliance with all requirements of N.Y. Educ. Law § 6502, including the requirement that he maintain registration with the

New York State Education Department (except during periods of actual suspension) and pay all registration fees.

and

- All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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: 12/9/10

Redacted Signature

MARK D. FREILICH, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Application and to the proposed penalty based on its terms and conditions.

DATE: 12/9/10

Redacted Signature

ROBERT FREILICH, ESQ.
Attorney for Respondent

DATE: 12/17/10

Redacted Signature

HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct

DATE: 12/24/10

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

ATTACHMENT I



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Dainés, M.D.
Commissioner
NYS Department of Health
Wendy E. Saunders
Chief of Staff
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. Maris, M.D., J.D.
Executive Secretary

October 15, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mark D. Freilich, M.D.

Redacted Address

RE: License No. 125063

Dear Dr. Freilich:

Enclosed is a copy of Order #BPMC 07-224 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 22, 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 to:

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

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 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

Redacted Signature

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

cc: Jeffrey Rubin, Esq.
Rubin & Shang
9 East 40th Street, 11th Floor
New York, NY 10016

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

IN THE MATTER
OF
MARK D. FREILICH, M.D.

CONSENT
ORDER

BPMC No. 07-224

Upon the application of MARK D. FREILICH, 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: 10-12-07

Redacted Signature

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
MARK D. FREILICH, M.D.

CONSENT
AGREEMENT
AND
ORDER

MARK D. FREILICH, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 15, 1975, I was licensed to practice as a physician in the State of New York, and issued License No. 125063 by the New York State Education Department.

My current address is: Redacted Address

, 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 three specifications of professional misconduct.

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

I do not contest the first charge of Practicing the Profession with Negligence on More Than One Occasion, in violation of N.Y. Education Law Section 6530(3), and the third charge of Having His License to Practice Medicine Suspended or Having Other Disciplinary Action Taken, Where the Conduct Resulting in the Suspension or Other Disciplinary Action Involving the License Would, if Committed in New York State, Constitute Professional Misconduct Under the Laws of New York State, in violation of N.Y. Education Law Section 6530(9)(d), in full satisfaction of the charges against me, and agree to the

following penalty:

- Pursuant to N.Y. Public Health Law §230-a(2), Respondent's license to practice medicine in New York State shall be suspended for 36 months, stayed;

- Pursuant to N.Y. Public Health Law §230-a(9), Respondent shall be placed on probation for a period of three years, subject to the terms set forth in attached Exhibit "B";

- Respondent shall pay a \$50,000.00 fine. Payment of the fine imposed is also a term of probation. The fine is payable in full within three years 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, Rm 1245
Albany, New York 12237

- Respondent shall comply fully with the September 14, 2006, Final Order of the New Jersey State Board of Medical Examiners and any extension or modification thereof.

- Respondent shall provide a written authorization for the New Jersey State Board of Medical Examiners to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the *New Jersey Order*.
- Respondent shall submit *quarterly* a signed Compliance

Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the *New Jersey Order* during the declaration period specified.

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

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 30 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 10/3/07

Redacted Signature

MARK D. FREILICH, M.D.
RESPONDENT

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

DATE: 10/3/07

Redacted Address

~~Jeffrey M. Rubin, Esq.~~
Attorney for Respondent

DATE: 10/4/07

Redacted Address

~~Joel E. Abelow, Esq.~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 10/11/07

Redacted Address

~~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
OF
MARK FREILICH, M.D.
CO-06-06-3276-A

AMENDED
STATEMENT
OF
CHARGES

MARK FREILICH, M.D., Respondent, was authorized to practice medicine in New York state on September 15, 1975, by the issuance of license number 125063 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 25, 2003, at Star Medical Services, P.C., 2746 Norstrand Avenue, Brooklyn, NY 11210, Respondent evaluated a cervical spine MRI for Patient A, and made positive findings that were not present.
- B. On or about April 15, 2003, at Star Medical Services, P.C., 2748 Norstrand Avenue, Brooklyn, NY 11210, Respondent evaluated an MRI for Patient A's right knee and made positive findings that were not present.
- C. On or about May 19, 2003, at Westend MRI Medical Associates P.C., 130 West 79th Street, New York, NY 10024, Respondent evaluated a lumbar spine MRI for Patient B, and made positive findings, none of which were present except for a minor posterior disc bulging at L1-L2 level. Respondent also failed to identify a lateral disc herniation at the left L4 neural foramen. Respondent evaluated an MRI of Patient B's right knee and made positive findings that were not present.
- D. On or about August 22, 2005, at Excel Imaging, P.C., 72-35 51st Avenue, Suite "B", Woodside, NY 11377, Respondent evaluated a lumbosacral spine MRI for Patient C, and made positive findings, none of which were present except transitional appearance of the lower vertebral segment. Respondent also evaluated a cervical spine MRI and made four separate positive findings, two of which were present: Probable left paracentral disc herniation at C5-C6 extending across the neural foramen, and the straightening of the normal cervical lordosis.

E. On or about August 27, 2004, at Excel Imaging, P.C., 2746 Nostrand Avenue, Brooklyn, NY 12110, Respondent evaluated a cervical spine MRI for Patient D, and made positive findings that were not present.

F. On or about January 12, 2005, at Excel Imaging, P.C., 2746 Nostrand Avenue, Brooklyn, NY 12110, Respondent evaluated a lumbar spine MRI for Patient E, and made positive findings, none of which were present except for a minor posterior disc bulging at L4-L5 and L5-S1.

G. On or about June 13, 2005, at Excel Imaging, P.C., 72-35 51st Avenue, Suite "B", Woodside, NY 11377, Respondent evaluated a lumbar spine MRI for Patient F, and made positive findings, none of which were present.

H. On or about January 8, 2000, at Ultra Diagnostics Imaging, Kings Highway Diagnostics Imaging, P.C., 72-35 51 Avenue, Woodside, NY 11377, Respondent evaluated a cervical spine MRI for Patient G, and made positive findings, none of which were present.

I. On or about November 14, 2005, at Excel Imaging, P.C., 2748 Nostrand Avenue, Brooklyn, NY 11210, Respondent evaluated a cervical spine MRI for Patient H, and made positive findings, none of which were present. Respondent evaluated a lumbar spine MRI and made positive findings that were not present, except for mild posterior disc bulging at L4-L5.

J. On or about June 11, 2005, at Excel Imaging, P.C., 72-35 51st Avenue, Suite "B", Woodside, NY 11377, Respondent evaluated a lumbar spine MRI for Patient I, and made positive findings, none of which were present, and failed to make a finding of early disc desiccation at L3-L4 through L5-S1 with insignificant disc bulging.

K. On or about June 8, 2005, at Excel Imaging, P.C., 72-35 51st Avenue, Suite "B", Woodside, NY 11377, Respondent evaluated a cervical spine MRI for Patient I, and made positive findings, none of which were present.

L. On or about September 13, 2006, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Final Order (hereinafter "New Jersey Order"), inter alia, suspended Respondent's license to practice medicine and surgery for two (2) years, the first six (6) months to be an active suspension, commencing October 1, 2006, the remainder stayed as probation; required him to surrender his State Controlled Drug Registration for the duration of the

suspension period and to lawfully dispose of all Controlled Drugs in his possession; and required him to pay a \$40,000.00 civil penalty and \$14,000.00 investigative costs and fees; based on repeatedly issuing false or grossly negligent interpretations of magnetic resonance imaging (MRI) studies of patients, allowing himself to be regularly employed as Medical Director for Medscan Diagnostic Imaging although the entity was not at the time licensed to operate by the New Jersey State Department of Health and Senior Services, allowing Medscan to issue his reports on its letterhead although he never held an ownership interest nor was a salaried employee of the entity, and continuing to provide professional medical interpretations of radiologic studies after the expiration of his New Jersey registration to practice medicine.

M. The conduct resulting in the New Jersey Board disciplinary actions 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 Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(12) (practicing the profession when the license is suspended or inactive); and/or
5. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine).

FIRST SPECIFICATION

Respondent violated New York State Education Law §6530 (3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

1. The facts in Paragraphs A and/or B, and/or C, and/or D, and/or E, and/or F, and/or G, and/or H, and/or I, and/or J, and/or K.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530 (5) by practicing the profession with incompetence on more than one occasion, in that Petitioner charges:

2. The facts in Paragraphs A and/or B, and/or C, and/or D, and/or E, and/or F, and/or G, and/or H, and/or I, and/or J, and/or K.

THIRD SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs L and/or M.

DATED: *Oct. 4*, 2007
Albany, New York

Redacted Address

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

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of

OPMC's request, Respondent shall meet in person with the Director's designee.

5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of Professional Medical Ethics. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period. However, disclosure to OPMC of Respondent's complete ProbE file completed through New Jersey's Order will satisfy this requirement.
10. Within thirty days of the effective date of the order, 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 examine on a monthly basis a selection of records (no fewer than 20) maintained by Respondent, including patient records, prescribing information and office records.

Radiographic films may be reviewed online. Practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least once every three months. 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.

11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.