



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.
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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

February 8, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Anthony G. Lendino, M.D.
546 South Broad Street
Suite 4B
Meriden, CT 06450

Re: License No. 136224

Dear Dr. Lendino:

Enclosed is a copy of Modification BPMC #09-107 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 15, 2011.

Sincerely,

REDACTED

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

Enclosure

IN THE MATTER
OF
ANTHONY G. LENDINO, M.D.

MODIFICATION
ORDER

BPMC No. #09-107

Upon the proposed Application for a Modification Order of **ANTHONY G. LENDINO, M.D.**, (Respondent), that is made a part of this Modification Order, it is agreed 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, by first class mail, a copy of the Modification Order to Respondent at the address in the attached Application or by certified mail to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/7/11

REDACTED

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
ANTHONY G. LENDINO, M.D.

APPLICATION FOR
MODIFICATION ORDER

ANTHONY G. LENDINO, M.D., (Respondent) being duly sworn deposes and says:

That on or about October 20, 1978, I was licensed to practice medicine in the State of New York, having been issued license number 136224 by the New York State Education Department.

My current address is 546 South Broad Street, Suite 4B, Meriden, CT 06450.

I am currently subject to Consent Order BPMC No. #09-107, (hereinafter "New York Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, effective June 15, 2009.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "New York Modification Order"), modifying the New York Original Order, as follows: to delete the paragraph in the New York Original Order that states:

"Respondent is permanently restricted from (a) prescribing, administering, or dispensing Buprenorphine, and (b) Respondent may not prescribe class II or class III controlled substances for pain, except (1) for terminally ill patients, (2) to treat acute pain, but not to exceed ninety days, and (3) to treat chronic degenerative musculo-skeletal conditions in patients older than 70 years old who are not appropriate patients for pain management specialists; and Respondent agrees not to request registration renewal for Buprenorphine when he renews his Drug Enforcement Agency controlled substance Registration."

substituting for the above paragraph:

"Two (2) years probation, to run concurrently with the probation imposed by the Connecticut Medical Examining Board "Modification of Consent Order" (hereinafter "Connecticut Modification Order"), effective March 16, 2010, in accordance with Exhibit 2, attached hereto.

Respondent shall comply fully with the Connecticut Modification Order, and any extensions or modifications thereof.

Respondent shall provide a written authorization for the Connecticut Medical Examining Board to provide the Director of the Office of Professional Medical Conduct (hereinafter "OPMC") with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Connecticut Modification Order.

Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Connecticut Modification Order during the declaration period specified.

Should Respondent return to the practice of medicine in the State of New York or in any jurisdiction where that practice is predicated upon Respondent's New York State medical license, Respondent shall provide ninety (90) days advance notice in writing to the Director of OPMC. The Director, in his or her sole discretion, may impose whatever limitations, or further conditions, he or she deems appropriate."

The New York Modification Order will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the New York 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 New York Modification Order. In consideration of the value to me of the acceptance of the Board of this Application, I knowingly waive the right to contest the New York Original Order or the New York Modification Order for which I apply, both administratively and 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 OPMC, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed New York Modification 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.

AFFIRMED:

DATED: 1/27/2011

REDACTED

~~ANTHONY G. LENDINO, M.D.~~
Respondent

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

DATE: 1/31/11

REDACTED

~~RICHARD J. ZAHNLEUTER~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/4/11

REDACTED

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



New York State Board for Professional Medical Conduct

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Richard F. Daines, M.D.
Commissioner
NYS Department of Health
Wendy E. Saunders
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Public

Kendrick A. Sears, M.D.
Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

June 8, 2009

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Anthony G. Lendino, M.D.
546 S. Broad Street, Suite 4B
Meriden, CT 06450

Re: License No. 136224

Dear Dr. Lendino:

Enclosed is a copy of #BPMC 09-107 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 15, 2009.

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,

REDACTED

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

Enclosure

IN THE MATTER
OF
ANTHONY G. LENDINO, M.D.

CONSENT
ORDER
BPMC No. #09-107

Upon the application of (Respondent), **ANTHONY G. LENDINO, 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: 2/6/09

REDACTED

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
ANTHONY G. LENDINO, M.D.
CO-08-09-5967-A

CONSENT
AGREEMENT
AND ORDER

ANTHONY G. LENDINO, M.D., representing that all of the following statements are true, deposes and says:

That on or about October 20, 1978, I was licensed to practice as a physician in the State of New York, and issued license number 136224 by the New York State Education Department.

My current address is 546 South Broad Street, Meriden, CT 06450, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

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

I do not contest Factual Allegations A and B(1) and the Second Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Respondent is permanently restricted from (a) prescribing, administering, or dispensing Buprenorphine, and (b) Respondent may not prescribe class II or class III controlled substances for pain, except (1) for terminally ill patients, (2) to treat acute pain, but not to exceed ninety days, and (3) to treat chronic degenerative musculo-skeletal conditions in patients older than 70 years old who are not appropriate patients for pain management specialists; and Respondent agrees not to request registration renewal for Buprenorphine when he renews his Drug Enforcement Agency controlled substance Registration.

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

That Respondent shall remain in continuous compliance with all requirements of New York Education 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 New York Education 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 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.

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.

AFFIRMED:

DATED: _____

5/25/09

Redacted Signature

~~_____~~
ANTHONY G. LENDINO, M.D.
Respondent

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

DATE: 3 June 2009

Redacted Signature

~~ROBERT BOGAN~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/5/09

Redacted Signature

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

IN THE MATTER
OF
ANTHONY G. LENDINO, M.D.
CO-08-09-5967-A

STATEMENT
OF
CHARGES

ANTHONY G. LENDINO, M.D., Respondent, was authorized to practice medicine in New York state on October 20, 1978, by the issuance of license number 136224 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 19, 2008, the State of Connecticut, Department of Public Health, Healthcare Systems Branch, Connecticut Medical Examining Board (hereinafter "Connecticut Board"), by a Consent Order (hereinafter "Connecticut Order"), permanently restricted Respondent's license to practice medicine, such that (a) he may not prescribe, administer, or dispense Buprenorphine, and (b) he may not prescribe class II or class III controlled substances for pain, except (1) for terminally ill patients, (2) to treat acute pain, but not to exceed ninety days, and (3) to treat chronic degenerative musculo-skeletal conditions in patients older than 70 years old who are not appropriate patients for pain management specialists; and required that he not request registration for Buprenorphine when he next renews his Drug Enforcement Agency controlled substance registration, based on between 1990 until approximately March 15, 2006, with regard to one patient, Respondent failed to meet the standard of care in that he made inappropriate and/or inadequate diagnosis and treatment of pain, and he grossly misused Suboxone® (Buprenorphine).

B. The conduct resulting in the Connecticut Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following section of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);

3. New York Education Law §6530(5) (incompetence on more than one occasion);
and/or

4. New York Education Law §6530(6) (gross incompetence).

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 Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *May 6*, 2009
Albany, New York

Redacted Signature

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

EXHIBIT 2

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; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed care organizations, and/or applications for such affiliations and/or privileges; 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 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.
7. Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
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 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.