



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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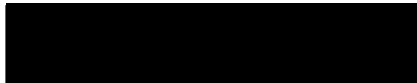
Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

May 4, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nicholas Lisnichy, M.D.



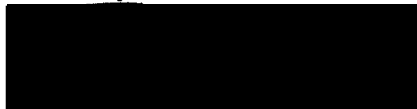
Re: License No. 164623

Dear Dr. Lisnichy:

Enclosed is a copy of Order #BPMC 05-90 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect May 11, 2005.

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

Sincerely,



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

Enclosure

cc: Robert Munley, Esq.
1522 Pennsylvania Avenue
Peckville, PA 18452-2052

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

IN THE MATTER

SURRENDER

OF

ORDER

**NICHOLAS LISNICHY, M.D.
CO-05-02-0823-A**

BPMC No. 05-90

NICHOLAS LISNICHY, M.D., says:

On or about November 1, 1985, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 164623 by the New York State Education Department. I currently reside at [REDACTED]

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

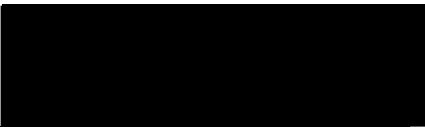
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: 4-25, 2005



NICHOLAS LISNICHY, M.D.
Respondent

AGREED TO:

Date: 4-21, 2005




ROBERT MUNLEY
Attorney for Respondent

Date: 29 April, 2005



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 3 May, 2005



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

IN THE MATTER
OF
NICHOLAS LISNICHY, M.D.
CO-05-02-0823-A

STATEMENT
OF
CHARGES

NICHOLAS LISNICHY, M.D., the Respondent, was authorized to practice medicine in New York state on November 1, 1985, by the issuance of license number 164623 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 2, 2005, in the Court of Common Pleas of Lackawanna County, Pennsylvania, Criminal Division, Respondent was found guilty, based on a plea of guilty, of Delivery by a Practitioner, a felony; Delivery of a Controlled Substance to a Drug Dependent Person, a misdemeanor; and Insurance Fraud, a felony; and was sentenced to six (6) to twelve (12) years incarceration followed by ten (10) years of probation, and to forfeit currency and vehicles seized and \$50,000.00 proceeds of sale of real property in Clarks Summit.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed in New York state, would have constituted a crime under New York state law, in that the petitioner charges:

1. The facts in Paragraph A.

DATED: *April 27*, 2005
Albany, New York


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

ORDER

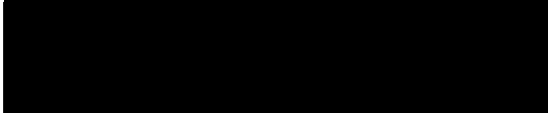
Upon the proposed agreement of **NICHOLAS LISNICHY, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5-4-, 2005



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