



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

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

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

*Public*

November 1, 2005

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

Michael J. Scolaro, M.D.  
800 Sarbonne Road  
Los Angeles, CA 90077

Re: License No. 085372

Dear Dr. Scolaro:

Enclosed is a copy of Order #BPMC 05-250 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 8, 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

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

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IN THE MATTER

SURRENDER

OF

ORDER

MICHAEL J. SCOLARO, M.D.  
CO-05-07-3574-A

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BPMC No. #05-250

**MICHAEL J. SCOLARO, M.D., says:**

On or about January 21, 1961, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 085372 by the New York State Education Department. I currently reside at 800 Sarbonne Road, Los Angeles, CA 90077.

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.

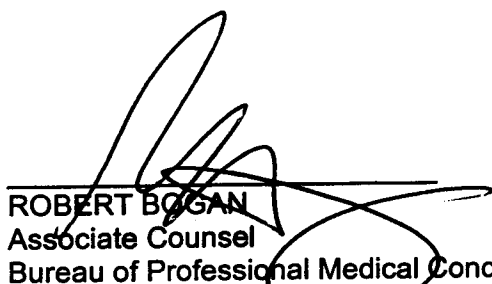
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: Oct. 19, 2005

  
MICHAEL J. SCOLARO, M.D.  
Respondent

AGREED TO:

Date: 21 October, 2005

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 26 October, 2005

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

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

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IN THE MATTER  
  
OF  
  
MICHAEL J. SCOLARO, M.D.  
CO-05-07-3574-A

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STATEMENT  
  
OF  
  
CHARGES

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

**FACTUAL ALLEGATIONS**

A. On or about June 23, 2005, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), accepted the surrender of Respondent's Physician and Surgeon's Certificate and imposed \$4,500.00 costs of investigation and prosecution, based on gross negligence, repeated negligent acts, incompetence, and inadequate records.

B. The conduct resulting in the California Board disciplinary action 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 State Education Law §6530(3) (gross negligence);
2. New York State Education Law § 6530(4) (negligence on more than one occasion);
3. New York State Education Law §653(5) (gross incompetence);
4. New York State Education Law §6530(6) (incompetence on more than one occasion); and/or
5. New York State Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATION**

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

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

DATED: *October 11*, 2005

  
PETER D. VANBUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**

Upon the proposed agreement of **MICHAEL J. SCOLARO, 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: 10-28-, 2005



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