



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 23, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Anthony Thomas Kovalik, M.D.
PO Box 79
Elka Park, NY 12427

RE: License No. 098671

Dear Dr. Kovalik:

Enclosed please find Order #BPMC 98-310 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 23, 1998.**

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 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: Kevin Donovan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
ANTHONY THOMAS KOVALIK, M.D. : BPMC # 98-310

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ANTHONY THOMAS KOVALIK, M.D., says:

On or about May 3, 1967, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 098671 by the New York State Education Department. *MY ADDRESS IS: P.O. Box 79, Elka Park N.Y. 12427. TK.*

I understand that I have been charged with seventeen specifications 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.

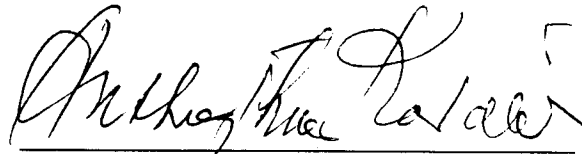
I admit guilt to the thirteenth specification concerning factual allegations A.2, A.3, and A.4, B.2, B.3, and B.4 set forth in the Statement of Charges.

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 State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective 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 earliest.

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

A handwritten signature in cursive script, appearing to read "Anthony Thomas Kovalik", written over a horizontal line.

ANTHONY THOMAS KOVALIK, M.D.
Respondent

AGREED TO:

Date: _____, 1998

I don't wish to have a attorney
A. H. Kovaly

Attorney for Respondent

Date: 12/11, 1998

Kevin P. Donovan

KEVIN P. DONOVAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 12/17, 1998

Anne F. Saile

ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

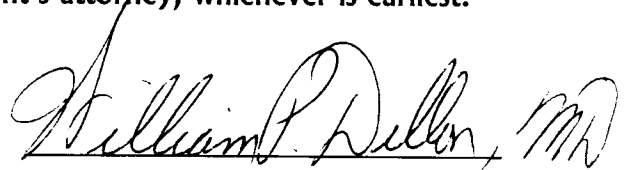
Upon the proposed agreement of ANTHONY THOMAS KOVALIK, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of 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 of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/21/98



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
ANTHONY THOMAS KOVALIK, M.D. : CHARGES

-----X

ANTHONY THOMAS KOVALIK, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 3, 1967, by the issuance of license number 098671 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. The Respondent provided a prescription for Vicodin 7.5 mg, 50 tablets with one refill, on November 9, 1998, to a person who presented to him as "Danny Sullivan." "Danny Sullivan" was a fictitious person, and was the undercover identity of an Investigator of the Bureau of Controlled Substances of the New York State Department of Health. Respondent's providing the prescription and refill for Vicodin did not meet acceptable standards of care, in that:

1. Respondent fraudulently prescribed the Vicodin to "Danny Sullivan" without adequate indication, after "Danny Sullivan" told Respondent that he wanted the Vicodin tablets "to make me feel better," that he had no injuries, no sore throat or infection.
2. Respondent did not obtain an adequate history of "Danny Sullivan".
3. Respondent performed an inadequate physical examination of "Danny Sullivan".
4. "Danny Sullivan" reported to Respondent a history which indicated that he was a substance abuser.
5. Respondent prepared a fraudulent medical record listing complaints and a diagnosis not supported by statements of "Danny Sullivan" or by any adequate patient assessment.

Exhibit A

B. The Respondent provided two prescriptions for Vicodin 7.5 mg, 50 tablets with one refill, on November 23, 1998, to "Danny Sullivan," one in the name of "Danny Sullivan," the other in the name of "Lori Anderson," a fictitious girlfriend. Respondent's providing the prescriptions and refills for Vicodin did not meet acceptable standards of care, in that:

1. Respondent fraudulently prescribed the Vicodin to "Danny Sullivan" without adequate indication, after "Danny Sullivan" told Respondent he wanted the Vicodin tablets because "I just like taking it," "I used to be on methadone."
2. Respondent did not obtain an adequate history of "Danny Sullivan".
3. Respondent performed an inadequate physical examination of "Danny Sullivan".
4. "Danny Sullivan" reported to Respondent a history which indicated that he was a substance abuser.
5. Respondent fraudulently and/or inappropriately provided the Vicodin prescription to "Danny Sullivan" despite Sullivan's statement that he went through the last prescription for Vicodin "pretty fast. My girlfriend takes them."
6. Respondent fraudulently noted a lower back problem for "Danny Sullivan" despite Sullivan's statement that "my back is fine" and without any adequate patient assessment.
7. Respondent fraudulently and/or inappropriately gave "Danny Sullivan" a prescription for "Danny Sullivan's" supposed girlfriend, a fictitious person whom he identified as "Lori Anderson," the girlfriend who was taking the Vicodin from the prescription provided on November 6, 1998; no person purporting to be "Lori Anderson" was present during this transaction.

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH SIXTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law § 6530(2) in that the Petitioner charges:

1. The facts in paragraphs A and A.1.
2. The facts in paragraphs A and A.5.

3. The facts in paragraphs B and B.1.
4. The facts in paragraphs B and B.5.
5. The facts in paragraphs B and B.6.
6. The facts in paragraphs B and B.7.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

MORAL UNFITNESS

The Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine within the meaning of N.Y. Educ. Law § 6530(20) in that the Petitioner charges:

7. The facts in paragraphs A and A.1.
8. The facts in paragraphs A and A.5.
9. The facts in paragraphs B and B.1.
10. The facts in paragraphs B and B.5.
11. The facts in paragraphs B and B.6.
12. The facts in paragraphs B and B.7.

THIRTEENTH SPECIFICATION

PRACTICING WITH NEGLIGENCE

ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law § 6530(3) in that Petitioner charges two or more of the following:

13. The facts in paragraphs A and A.1, A and A.2, A and A. 3, A and A.4, A and A.5, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6 and/or B and B.7.

FOURTEENTH SPECIFICATION
PRACTICING WITH INCOMPETENCE
ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law § 6530(5) in that the Petitioner charges two or more of the following:

14. The facts in paragraphs A and A.1, A and A.2, A and A. 3, A and A.4, A and A.5, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6 and/or B and B.7.

FIFTEENTH AND SIXTEENTH SPECIFICATIONS
PRACTICING WITH GROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence on a particular occasion within the meaning of N.Y. Educ. Law § 6530(4) in that the Petitioner charges:

15. The facts in paragraphs A and A.1, A and A.2, A and A. 3, A and A.4, and/or A and A.5.
16. The facts in paragraphs B and B.1, B and B.2., B and B.3, B and B.4, B and B.5, B and B.6 and/or B and B.7.

SEVENTEENTH SPECIFICATION
PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence within the meaning of N.Y. Educ. Law §6530(6) in that Petitioner charges:

17. The facts in paragraphs A and A.1, A and A.2, A and A. 3, A and A.4, A and A.5, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6 and/or B and B.7.

DATED: *Dec. 11*, 1998

Albany, New York

Peter D. Van Buren

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