



Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

*New York State Board for Professional Medical Conduct*

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

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

May 11, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Massoud Aghaian Marjani, M.D.  
84 Hurds Hill Road  
Woodbury, CT 06798

RE: License No. 106022

Dear Dr. Marjani:

Enclosed please find Order #BPMC 98-83 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 15, 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.

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 1315  
Empire State Plaza  
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Joseph A. Mengacci, Esq.  
Drubner, Hartley, O'Connor & Mengacci, LLC  
500 Chase Parkway  
Waterbury, Connecticut 06708

Marcia E. Kaplan, Esq.

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

**IN THE MATTER  
OF  
MASSOUD AGHAIAN MARJANI, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**  
BPMC #98-83

STATE OF CONNECTICUT) ss.:  
COUNTY OF )

MASSOUD AGHAIAN MARJANI, M.D., being duly sworn, deposes and says:

That on or about June 19, 1970, I was licensed to practice as a physician in the State of New York, having been issued License No. 106022 by the New York State Education Department.

My current address is 84 Hurds Hill Road, Woodbury, CT 06798, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the First Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

That a fine of \$5000 be imposed upon me.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of

Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

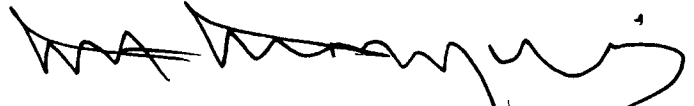
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

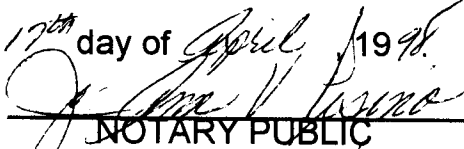
I am making this Application of my own free will and accord and not under

duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



MASSOUD AGHAIAN MARJANI, M.D.  
RESPONDENT

Sworn to before me this

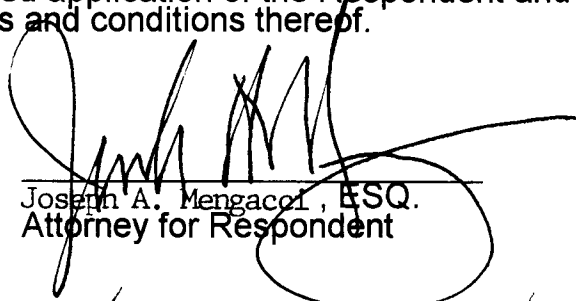
17<sup>th</sup> day of April, 1998.  


NOTARY PUBLIC

*My Commission Expires 11/30/02*

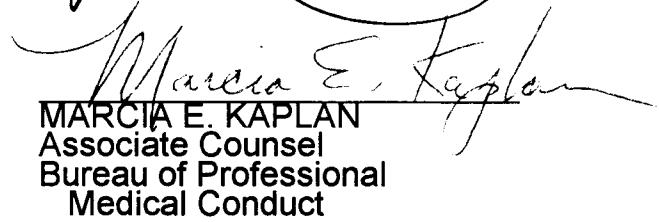
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 4/17/98



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Joseph A. Mengacci, ESQ.  
Attorney for Respondent

DATE: 4/22/98



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MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 4/29/98



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ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

**IN THE MATTER  
OF  
MASSOUD AGHAIAN MARJANI, M.D.**

**CONSENT  
ORDER**

Upon the proposed agreement of MASSOUD AGHAIAN MARJANI, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 5/15/98


  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER**  
**OF**  
**MASSOUD AGHAIAN MARJANI, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

MASSOUD AGHAIAN MARJANI, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 19, 1970, by the issuance of license number 106022 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about June 17, 1997, disciplinary action was taken by the Connecticut Medical Examining Board (Connecticut Board) against Respondent's license to practice medicine in Connecticut by issuance of a Consent Order under whose terms Respondent agreed to pay \$5000 and to comply with any restriction placed upon his Connecticut Controlled Substance Registration, to resolve allegations that between approximately December 1994 and May 1996, Respondent overprescribed controlled substances for his wife and failed to maintain treatment records for her, in violation of General Statutes of Connecticut, Sections 20-13-c(4)(illegal, incompetent or negligent conduct in the practice of medicine) and 20-13c(5)(possession, use, prescription for use, or distribution of controlled substances or legend drugs, except for therapeutic or other medically proper purposes). The conduct resulting in the disciplinary action involving Respondent's Connecticut license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(3)(4) and/or (35)).



**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(3)(4) and/or (35)) as alleged in the facts of the following:

1. Paragraph A.

DATED: December , 1997  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct