



**STATE OF NEW YORK  
DEPARTMENT OF HEALTH**

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 16, 2001

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
& Robert Maher, Esq.  
NYS Department of Health  
Hedley Park Place – 4<sup>th</sup> Floor  
Troy, New York 12180

Law Offices of Louise T. Jeroslow, P.A.  
6075 Sunset Drive, Suite 201  
South Miami, Florida 33143

Jannette Gale Mills, M.D.  
aka Jannette Lefkin, M.D.  
7918 Shenandoah Lane  
Parkland, Florida 33067

**RE: In the Matter of Jannette Gale Mills, M.D.  
aka Jannette Lefkin, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-274) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

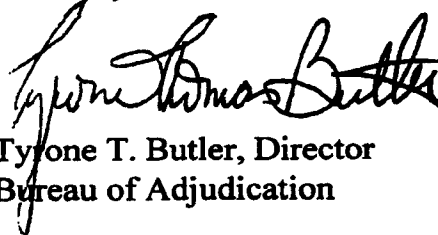
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**IN THE MATTER  
OF  
JANNETTE GALE MILLS, M.D.**

**DETERMINATION  
AND  
ORDER**

BPMC #01-274

**COPY**

A Notice of Referral Proceeding and Statement of Charges, both dated July 20, 2001, were served upon the Respondent, **JANNETTE GALE MILLS (a/k/a JANNETTE LEFKIN), M.D.**, **HRUSIKESH PARIDA, M.D.**, Chairperson, **RAFAEL LOPEZ, M.D.** and **NANCY J. MACINTYRE, R.N., PH.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on October 18, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and by **LOUISE JEROSLOW, ESQ.**

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Sections 6530(9)(d), based upon actions constituting violations of subdivisions (2), (16) and (20). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	Respondent

## **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. **JANNETTE GALE MILLS (a/k/a JANNETTE LEFKIN), M.D.**, the Respondent, was authorized to practice medicine in New York State on June 30, 1986, by the issuance of license number 166500 by the New York State Education Department (Ex.4).
  
2. On December 13, 2000, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order "), fined Respondent \$2,000.00, reprimanded her, and imposed twenty (20) hours of community service, based upon her assent to a Consent Agreement resulting from an Administrative Complaint charging her with making a false representation by submitting a certificate with an application for employment to a surgical center indicating she was board certified, when she was neither board certified nor eligible for certification (Ex. 5).

## **HEARING COMMITTEE CONCLUSIONS**

The hearing Committee concludes that the conduct resulting in the Florida Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(2) (practicing the profession fraudulently);
- New York Education Law §6530(16) (willful failure to comply with federal, state or local laws, rules or regulations governing the practice of medicine); and
- New York Education Law §6530(20) (conduct in the practice of medicine evidencing moral unfitness);

## **VOTE OF THE HEARING COMMITTEE**

### **SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted 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 New York state.

**VOTE: SUSTAINED (3-0)**

## **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on December 13, 2000, the Florida Board fined Respondent \$2,000.00, reprimanded her and imposed twenty (20) hours of community service, based upon her assent to a Consent Agreement resulting from an Administrative Complaint charging her with making a false representation by submitting a certificate with

an application for employment to a surgical center indicating she was board certified, when she was neither board certified nor eligible for certification.

The Hearing Committee in the instant proceeding determines that the acts detailed in the Florida Order would have constituted misconduct under the definitions of misconduct cited above had the acts been committed in New York state, since Respondent had disciplinary action taken by another state after a disciplinary proceeding was initiated against her.

The only issue remaining to be decided, therefore, is the penalty to be imposed in New York State. The Hearing Committee concludes that the harshest penalties that could be imposed pursuant to Public Health Law §230-a, namely suspension or revocation of Respondent's New York medical license, are not called for under the circumstances of this case. Respondent has already been punished by the State of Florida for acts she committed, and a comparable sanction in New York State is appropriate. The Hearing Committee is of the opinion that it is unlikely Respondent would again engage in dishonest conduct regarding the attainment of employment in her field, given her extreme remorse for the acts she committed, as revealed by her testimony at the hearing, and the difficulties her previous conduct engendered.

However, the Hearing Committee does conclude that Respondent should be the subject of a reprimand for her conduct, issued by New York State, and that she should undergo a suitable period of probation should she return to New York State to practice medicine. The terms of probation are detailed in the attached order and are designed to protect the residents of New York State, as well as to deter future deviations from the applicable standards of medical conduct.

## ORDER

### IT IS HEREBY ORDERED THAT:

- 1). If, at some future date, the Respondent chooses to assume or resume practice in New York, she must apply to the New York State Education Department to reactivate her medical license, and provide that agency with all requested information and documentation. Respondent must also provide OPMC with verification of the reactivation of her license prior to resuming practice in New York State.
- 2). Respondent must provide ninety (90) days prior written notice concerning her intention to assume practice in New York State to the New York State Office of Professional Medical Conduct ("O.P.M.C"). This notice should be sent by registered or certified mail, return receipt requested, to the Board, addressed to the Director, Office of Professional Medical Conduct, Hedley Park Place, 433 River Street - Fourth Floor, Troy, New York 12180-2299. Said notice is to include a full description of any employment and practice since the date of this hearing, as well as a listing of professional and residential addresses and telephone numbers within or without New York State. The notification must also list any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility since the date of this hearing.
- 3). OPMC will monitor Respondent's completion of a five-year probationary period, to commence upon the resumption of lawful medical practice in New York State.
- 4). The terms of Respondent's probation are as follows:
  - Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct



and obligations imposed by law and by her profession. Respondent acknowledges that if she commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19);

- Respondent shall submit written descriptive notification to OPMC at the address listed above, of any changes in employment and practice, professional and residential addresses or telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility during the probationary period, within 30 days of each event;
- Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if she ceases to be engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall again notify the Director prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
- Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
- Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients.
- Respondent shall, for the first two (2) years of her probationary period, have regular (at least quarterly) meetings with a monitoring physician who shall review her practice. This monitoring physician shall review randomly selected medical records and evaluate whether Respondent's conduct and practice comport with generally accepted standards of medical conduct and practice. This monitoring physician shall be selected by Respondent and is subject to the approval of the Director of the Office of Professional Medical Conduct. Respondent shall not practice medicine until an acceptable monitoring physician is approved by the Director. The monitoring physician shall file the quarterly reports with the Director.
- Respondent shall comply with all terms, conditions, and restrictions to which she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

- OPMC may, in its discretion, and upon request by Respondent, relieve her of any uncompleted term of her probation if it is satisfied that Respondent's continued unsupervised practice of medicine in New York State would not be contrary to the best interests of New York State residents.

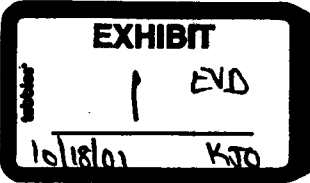
The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: Middletown, New York**  
9 Nov., 2001

*Hrusikesh Parida*  
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**HRUSIKESH PARIDA, M.D.**  
Chairperson

**RAFAEL LOPEZ, M.D.**  
**NANCY J. MACINTYRE, R.N., PH.D.**

# APPENDIX 1



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

**IN THE MATTER** **NOTICE OF**  
**OF** **REFERRAL**  
**JANNETTE GALE MILLS, M.D. AKA JANNETTE LEFKIN, M.D. PROCEEDING**  
**CO-01-02-0605-A**

**TO:** JANNETTE GALE MILLS, M.D. AKA JANNETTE LEFKIN, M.D.  
7918 Shenandoah Lane  
Parkland, FL 33067

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 24<sup>th</sup> day of August 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of

Adjudication") as well as the Department of Health attorney indicated below, on or before August 14, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before August 14, 2001, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

*July 20*, 2001



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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

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<b>IN THE MATTER</b>	<b>STATEMENT</b>
<b>OF</b>	<b>OF</b>
<b>JANNETTE GALE MILLS, M.D. AKA JANNETTE LEFKIN, M.D.</b>	<b>CHARGES</b>
<b>CO-01-02-0605-A</b>	

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**JANNETTE GALE MILLS, M.D. AKA JANNETTE LEFKIN, M.D.**, the Respondent, was authorized to practice medicine in New York state on June 30, 1986, by the issuance of license number 166500 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 13, 2000, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), fined Respondent \$2,000.00, reprimanded her, and imposed twenty (20) hours of community service, based on submitting a certificate, with an application for employment, to a surgical center, indicating she was board certified, when she was neither board certified nor eligible for certification, thereby knowingly making a false representation.

B. The conduct resulting in the Florida 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 Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules or regulations); and/or
3. New York Education Law §6530(20) (moral unfitness)

**SPECIFICATION**

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

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

DATED: *July 20*, 2001  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct