



***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*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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*Vice Chair*

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

*Public*

December 6, 2005

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

Joseph R. Sellers, M.D.  
265 North Grand Street  
Cobleskill, NY 12043

Re: License No. 170172

Dear Dr. Sellers:

Enclosed is a copy of Order #BPMC 05-282 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 13, 2005.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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: Shawn F. Brousseau, Esq.  
Napierski, Vandenburg & Napierski, LLP  
296 Washington Avenue  
Albany, NY 12203

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

IN THE MATTER  
OF  
JOSEPH R. SELLERS, M.D.

CONSENT  
ORDER

BPMC No. #05-282

Upon the application of (Respondent) Joseph R. Sellers, M.D., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted; and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12-5-05



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

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

IN THE MATTER  
OF  
JOSEPH R. SELLERS, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

Joseph R. Sellers, M.D., representing that all of the following statements are true, deposes and says:

That on or about May 19, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 170172 by the New York State Education Department.

My current address is 265 North Grand Street, Cobleskill, New York 12043, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I plead no contest to the First and Second Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to Section 230-a(1) of the Public Health Law, my license to practice medicine in the State of New York shall be subject to a

Censure and Reprimand.

Pursuant to Section 230-a(9) of the Public Health Law, I shall be placed on probation for a period of thirty-six (36) months, subject to the terms set forth in the attached Exhibit "B".

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.


I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of

the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED: 11/15/05

  
\_\_\_\_\_  
JOSEPH R. SELLERS, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

NAPIERSKI, VALDENBURG & NAPIERSKI

DATED: 11/18/05

By:   
SHAWN BROUSSEAU, ESQ.  
Attorney for Respondent

DATED: November 23, 2005

  
JEFFREY J. CONKLIN, ESQ.  
Associate Counsel  
Bureau of Professional Medical Conduct

DATED: December 1, 2005

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

**IN THE MATTER**  
**OF**  
**JOSEPH R. SELLERS, M.D.**

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

**JOSEPH R. SELLERS, M.D.**, the Respondent, was authorized to practice medicine in New York State on or about May 19, 1987, by the issuance of license number 170172 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

- A. Respondent provided medical care and treatment to Patient A (hereinafter identified in the annexed Appendix A) commencing on or about May 28, 2002, at Bassett Hospital of Schoharie County, Cobleskill, New York. Respondent's care and treatment of Patient A deviated from accepted standards of medical care in the following respects:
1. Respondent failed to timely perform an INR of Patient A;
  2. Respondent failed to timely order a CT scan of Patient A; and
  3. Respondent failed to perform an INR of Patient A prior to continuing said patient on Coumadin.
- B. Respondent provided medical care and treatment to Patient B (hereinafter described in the annexed Appendix A) from on or about November 9, 1999, through June 13, 2003, at said Respondent's office, Bassett Health Center, 24 Legion Drive, Cobleskill, New York. Respondent's care and treatment of Patient B deviated from accepted standards of medical care in the following respects.
1. Respondent prescribed medications for Patient B for anxiety, back pain and abdominal pain, which symptoms were disproportionate with objective medical findings;




2. Respondent prescribed medication for Patient B in inappropriate dosages and at improper intervals; and
3. Respondent prescribed an inappropriate amount of narcotics and tranquilizers for Patient B, who had a known history of drug addiction.

**SPECIFICATION OF CHARGES**  
**FIRST THROUGH SECOND SPECIFICATIONS**  
**(Negligence on More than One Occasion)**

Respondent is charged with committing professional misconduct, as defined in New York Education Law § 6530(3), by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. The facts set forth in Paragraphs A and A1, A and A2, and A and A3; and/or
2. The facts set forth in Paragraphs B and B1, B and B2, and B and B3.

DATED: November 23, 2005  
Albany, New York

  
Peter D. Van Buren  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### **Terms of Probation**

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or are necessary to protect the public health.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of appropriate prescribing of controlled substances. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period.
10. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.