



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.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.
Vice Chair

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

PUBLIC

November 3, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Farhad Mohebban, M.D.
200 West 57th Street
New York, NY 10019

Re: License No. 175734

Dear Dr. Mohebban:

Enclosed please find Order #BPMC 04-249 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 10, 2004.

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

cc: Amy Kulb, Esq.
Jacobson and Goldberg, LLP
585 Stewart Avenue
Garden City, NY 11530

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

IN THE MATTER
OF
FARHAD MOHEBBAN, M.D.

CONSENT
ORDER

BPMC No. 04-249

Upon the application of Farhad Mohebban, 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 SO ORDERED, 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: 11/1/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

**IN THE MATTER
OF
FARHAD MOHEBBAN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Farhad Mohebban, M.D., representing that all of the following statements are true, deposes and says:

That on or about August 5, 1988, I was licensed to practice as a physician in the State of New York, and issued License No. 175734 by the New York State Education Department.

My current address is 200 West 57th Street, New York, New York 10019, 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 ("Board") has charged me with four 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 do not contest the Third Specification, in full satisfaction of the charges against me, and agree to the following penalty:

I shall be placed on probation for a period of five (5) years in accordance with the terms set forth in Exhibit "B," attached hereto and made a part of this Consent Agreement. These terms of probation shall be effective as of the effective date of this Consent Agreement. At that time, the probation and terms and conditions of Board Order No. 01-15 shall be superseded

in their entirety by the terms of this Consent Agreement and the terms of probation set forth in Exhibit "B" hereto. In addition, after the terms of this Consent Agreement and the terms of probation set forth in Exhibit "B" hereto have been fully complied with by me for three (3) years, I may at that time apply to the Director of the Office of Professional Medical Conduct ("OPMC") for termination of the five (5) year probationary period set forth in this Consent Agreement, although I understand that the Director of OPMC shall have full discretion to act on such application as the Director of OPMC deems appropriate.

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

- That following the conclusion of the probationary period set forth in this Consent Agreement and for as long as Respondent shall have a license to practice medicine in New York State, Respondent shall not practice medicine in the field of evaluation and treatment of male sexual dysfunction, including but not limited to erectile dysfunction, premature ejaculation, and decreased libido, unless Respondent notifies the Director of OPMC at least thirty (30) days prior to resuming the practice of medicine in the field of evaluation and treatment of male sexual dysfunction.
- That Respondent shall maintain current registration of licensure 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.

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 10/5/07




FARHAD MOHEBBAN, M.D.
RESPONDENT

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

DATE: 10/5/04


AMY TOKULB, ESQ.
Attorney for Respondent
Jacobson and Goldberg, LLP
585 Stewart Avenue
Garden City, NY 11530

DATE: 10/25/04


RICHARD J. ZARNLEITER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 29 October 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT A

IN THE MATTER
OF
FARHAD MOHEBBAN, M.D.

STATEMENT
OF
CHARGES

FARHAD MOHEBBAN, M.D. (hereinafter, the "Respondent"), was authorized to practice medicine in New York State on August 5, 1988, by the issuance of license number 175734 by the New York State Education Department. The Respondent's current address, upon information and belief, is 200 West 57th Street, New York, New York 10019.

FACTUAL ALLEGATIONS

- A. On January 25, 2002, the Respondent evaluated Patient A¹ for a complaint of penile erectile dysfunction. The Respondent treated Patient A with a form of therapy, known as intracavernous pharmacotherapy ("ICP"), involving the use of a syringe and applicator to self-inject into the erectile tissue of the penis a combination of drugs that widens blood vessels. A test injection in the office resulted in a persistent erection of the penis ("priapism"). The Respondent's care of Patient A did not meet acceptable standards of medical care in that:
1. The Respondent failed to perform vital sign monitoring and other appropriate physical examinations and safeguards to

¹To preserve privacy throughout this document, patients are referred to by letter designation. An Appendix of Patient Names is attached hereto for appropriate recipients.

protect patient health and safety, including blood pressure monitoring, before, during, or after the test injection.

2. The Respondent failed to document adequately vital sign readings and other appropriate physical examination findings and safeguards, including blood pressure readings, before, — — during, or after the test injection.
3. The Respondent failed to document adequately the dose and composition of the test injection.
4. The Respondent failed to document adequately the management of the priapism after the test injection.
5. The Respondent failed to provide appropriate counseling concerning alternative treatments for penile erectile dysfunction.
6. The Respondent failed to document adequately appropriate counseling concerning alternative treatments for penile erectile dysfunction.

B. On February 20, 2002, the Respondent evaluated Patient B for a complaint of premature ejaculation. The Respondent treated Patient B with ICP therapy, including a test injection in the office. The Respondent's care of Patient B did not meet acceptable standards of medical care in that:

1. The Respondent treated Patient B with a continuing course of ICP therapy even though a continuing course of ICP therapy is not part of the treatment algorithm for premature ejaculation.
2. The Respondent failed to perform vital sign monitoring and other appropriate physical examinations and safeguards to protect patient health and safety, including blood pressure monitoring, before, during, or after the test injection.

3. The Respondent failed to document adequately vital sign readings and other appropriate physical examination findings and safeguards, including blood pressure readings, before, during, or after the test injection.
4. The Respondent failed to document adequately the dose and composition of the test injection.
5. The Respondent failed to provide appropriate counseling concerning alternative treatments for premature ejaculation.
6. The Respondent failed to document adequately appropriate counseling concerning alternative treatments for premature ejaculation.

C. On May 8, 2001 and thereafter, the Respondent evaluated Patient C for a complaint of penile erectile dysfunction. The Respondent treated Patient C with a course of ICP therapy, including a test injection in the office. The Respondent's care of Patient C did not meet acceptable standards of medical care in that:

1. The Respondent failed to perform vital sign monitoring and other appropriate physical examinations and safeguards to protect patient health and safety, including blood pressure monitoring, before, during, or after the test injection.
2. The Respondent failed to document adequately vital sign readings and other appropriate physical examination findings and safeguards, including blood pressure readings, before, during, or after the test injection.
3. The Respondent failed to document adequately the dose and composition of the test injection.
4. The Respondent failed to provide appropriate counseling

concerning alternative treatments for penile erectile dysfunction.

5. The Respondent failed to document adequately appropriate counseling concerning alternative treatments for penile erectile dysfunction.

D. On January 25, 2001, the State Board for Professional Medical Conduct ("Board") issued Order BPMC No. 01-15, which imposed professional medical discipline on the Respondent. A copy is attached hereto as Exhibit A and is incorporated herein. The Board placed the Respondent on five years probation, among other penalties.

1. Term of Probation 6 provides, "Respondent shall maintain legible and complete medical records, which accurately reflect the evaluation and treatment of patients." The Respondent failed to "maintain legible and complete medical records, which accurately reflect the evaluation and treatment of patients," as alleged previously in paragraphs A, A.2, A.3, A.4, A.6, B, B.3, B.4, B.6, C, C.2, C.3, and/or C.5.
2. Term of Probation 1 provides, "Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession." The Respondent failed to "conduct himself/herself in all ways in a manner befitting his/her professional status," and the Respondent failed to "conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession," as alleged previously in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, B, B.1, B.2, B.3, B.4, B.5, B.6, C, C.1, C.2, C.3, C.4, and/or C.5.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION (NEGLIGENCE ON MORE THAN ONE OCCASION)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in two or more of the following:

1. The factual allegations in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, B, B.1, B.2, B.3, B.4, B.5, B.6, C, C.1, C.2, C.3, C.4, and/or C.5.

SECOND SPECIFICATION (INCOMPETENCE ON MORE THAN ONE OCCASION)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in two or more of the following:

2. The factual allegations in paragraphs A, A.1, A.2, A.3, A.4, A.5, A.6, B, B.1, B.2, B.3, B.4, B.5, B.6, C, C.1, C.2, C.3, C.4, and/or C.5.

**THIRD SPECIFICATION
(FAILING TO MAINTAIN RECORDS)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient as alleged in the following:

3. The factual allegations in paragraphs A, A.2, A.3, A.4, A.6, B, B.3, B.4, B.6, C, C.2, C.3, and/or C.5

**FOURTH SPECIFICATION
(VIOLATION OF PROBATION)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(29) by violating any term of probation imposed on the licensee as alleged in the following:

4. The factual allegations in paragraphs D, D(1), and/or D(2).

DATED: August 27, 2004
Albany, New York



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

EXHIBIT "A"



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.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Office 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

January 25, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Farhad Mohebban, M.D.
60 Parkway Drive
Roslyn Heights, New York 11577

RE: License No. 175734

Dear Dr. Mohebban:

Enclosed please find Order #BPMC 01-15 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 25, 2001.

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 1258
Empire State Plaza
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Amy T. Kulb, Esq.
Jacobson and Goldberg, L.L.P.
585 Stewart Avenue
Garden City, New York 11530

Robert Bogan, esq.

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

IN THE MATTER

OF

FARHAD MOHEBBAN, M.D.
— — NY-99-06-8371-A

CONSENT

AGREEMENT

AND ORDER

BPMC No. 01-15

FARHAD MOHEBBAN, M.D., (Respondent) deposes and says:

That on or about August 5, 1988, I was licensed to practice as a physician in the State of New York, having been issued License No. 175734 by the New York State Education Department.

My current address is 60 Parkway Drive, Roslyn Hts., N.Y. 11577 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with one (1) 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 one (1) specification, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

Five (5) years probation and a \$5,000.00 Fine.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's 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 will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the 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.

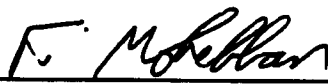
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

DATED: 1/10/01



FARHAD MOHEBBAN, M.D.
Respondent

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

DATE: 1/10/01

Amy T. Kulb
AMY T. KULB, ESQ
Attorney for Respondent

DATE: 16 January 2001

Robert Bogan
ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 1/18/01

Patricia E. Whitman
PATRICIA E. WHITMAN
Deputy Director for Operations
Office of Professional Medical Conduct

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
—FARHAD MOHEBBAN, M.D.

STATEMENT
OF
CHARGES

FARHAD MOHEBBAN, M.D., the Respondent, was authorized to practice medicine in New York state on August 5, 1988, by the issuance of license number 175734 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 6, 1999, in the United States District Court, Southern District of New York, Respondent was found guilty of Medicare Kickback Conspiracy, in violation of 18 USC 371, and three (3) counts of Medicare Kickbacks, in violation of 42 USC 1320 a-7b(b)(1), and was sentenced to pay a \$20,000.00 fine and a \$400.00 assessment, and two (2) years probation.

SPECIFICATION

Respondent violated New York Education Law §8530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraphs A.

DATED: *Nov. 21*, 2000
Albany, New York


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

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary action by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is 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 section 32].
4. Respondent shall notify the Director of OPMC, of his intention to practice in the State of New York at least thirty (30) days prior to any such practice.
5. 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 of OPMC offices.
6. Respondent shall maintain legible and complete medical records, which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall comply with all requirements of Article 33 of the Public Health Law and of New York State Department of Health regulations, and shall meet as requested with OPMC to provide proof of compliance.
8. Respondent shall comply with all terms, conditions, and restrictions, limitations and penalties which he or 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 Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the law.

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

IN THE MATTER

CONSENT

OF

ORDER

FARHAD MOHEBBAN, M.D.

Upon the proposed agreement of **FARHAD MOHEBBAN, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so **ORDERED**, and 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 the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/23/01



WILLIAM P. DILLON, M.D.
Chair
State Board for 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 current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), 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.
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 medical record documentation and record keeping. 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, unless the Order specifies otherwise.
10. Respondent shall not practice medicine in the field of evaluation and treatment of male sexual dysfunction, including but not limited to erectile dysfunction, premature ejaculation, and decreased libido.
11. Within thirty days of the effective date of the Order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
12. 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.