



***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.  
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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

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*Office of Professional Medical Conduct*

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*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

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

September 23, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Omiel Powell, M.D.  
24 Montgomery Place  
New Rochelle, NY 10804

RE: License No.: 180474

Dear Dr. Powell:

Enclosed please find Order #BPMC 99-241 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 23, 1999.**

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: Bruce F. Gilpatrick, Esq.  
Heidell, Pittoni, Murphy & Bach, LLP  
99 Park Avenue  
New York, NY 10016

Marcia E. Kaplan, Esq.

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

IN THE MATTER  
OF  
OMIEL POWELL, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

BPMC #99-241

RECEIVED  
07/20/99  
07/19/99

STATE OF NEW YORK )  
COUNTY OF ) SO.:

OMIEL POWELL, M.D., (Respondent) being duly sworn, deposes and says:

That on or about October 20, 1989, I was licensed to practice as a physician in the State of New York, having been issued License No. 180474 by the New York State Education Department.

at-

My current address is ~~100-36 210th Street, Queens Village, N.Y. 11429~~ 24 MONTGOMERY PLACE, NEW ROCHELLE, N.Y. 10860

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:

A six month suspension, stayed, and probation for two years with terms and conditions as set forth in Exhibit B, which is attached.

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 current 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 possesses his 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 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)(McKinney Supp 1999).

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 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.

DATED Sept. 8, 1999

*Omiel Powell*  
OMIEL POWELL, M.D.  
RESPONDENT

Sworn to before me  
on this 8 day of  
September 1999

*Sara Ossso*  
NOTARY

**SARA OSSO**  
Notary Public, State of New York  
No. 010S5041437  
Qualified in Queens County  
Commission Expires April 03, ~~2000~~ 2001

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


DATE: 9/8/99

  
BRUCE F. GILPATRICK, ESQ.  
Attorney for Respondent

DATE: Sept. 13, 1999

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: September 16, 1999

  
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  
OMIEL POWELL, M.D.

CONSENT  
ORDER

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

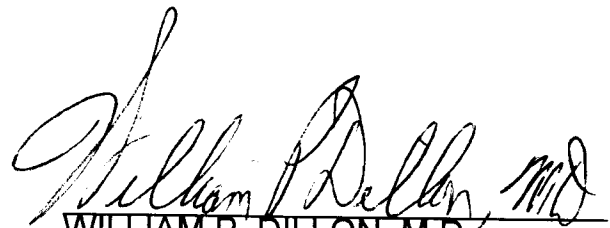
ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall 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:

9/21/99

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

**EXHIBIT "A"**

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

**IN THE MATTER  
OF  
OMIEL POWELL, M.D.**

**STATEMENT  
OF  
CHARGES**

OMIEL POWELL, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 20, 1989, by the issuance of license number 180474 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about March 27, 1995, Respondent failed to provide appropriate care and treatment to Patient A, a 55 year old man, in the Emergency Department at Harlem Hospital Center, New York, N.Y. in that he delayed inappropriately in treating Patient A and/or failed to render appropriate treatment to Patient A, for severe hypoglycemia, metabolic acidosis and pneumonia sepsis.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1999) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraph A.



DATED: July , 1999  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

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 less 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.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he 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.