



New York State Board for Professional Medical Conduct

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

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

PUBLIC

March 30, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Lee Jay Phillips, M.D.
2149 N.W. 60th Circle
Boca Raton, FL 33496

Re: License No. 183550

Dear Dr. Phillips:

Enclosed please find Order #BPMC 05-55 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect April 6, 2005.

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: Michael K. Mittlemark, Esq.
621 N.W. 53rd Street
Suite 420
Boca Raton, FL 33487

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

IN THE MATTER
OF
LEE JAY PHILLIPS, M.D.
CO-04-09-4690-A

CONSENT
AGREEMENT
AND ORDER
BPMC No. 05-55

LEE JAY PHILLIPS, M.D., (Respondent) being duly sworn deposes and says:

That on or about August 16, 1990, I was licensed to practice as a physician in the State of New York, having been issued License No. 183550 by the New York State Education Department.

My current address is 2149 NW 60th Circle, Boca Raton, FL 33496, 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 (1) specification of professional misconduct.

I agree, not to contest Factual Allegations A and B(1) and the Specification, in full satisfaction of the charges against me, and agree, hereby, to following penalty:

I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

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

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: March 10, 2005



LEE JAY PHILLIPS, 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: 3/10/05



MICHAEL K. MITTELMARK
Attorney for Respondent

DATE: 14 March 2005



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 25 MARCH 2005



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

**IN THE MATTER
OF
LEE JAY PHILLIPS, M.D.
CO-04-09-4690-A**

**STATEMENT
OF
CHARGES**

LEE JAY PHILLIPS, M.D., the Respondent, was authorized to practice medicine in New York state on August 16, 1990, by the issuance of license number 183550 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 16, 2004, the State of Florida, Board of Medicine, (hereinafter, "Florida Board"), by a Final Order (hereinafter "Florida Order"), REPRIMANDED Respondent, required him to complete fifty (50) hours of community service and ten (10) hours of CME in Diagnostic Radiology, fined him \$10,000.00, and required to pay costs, based on failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances.

B. The conduct resulting in the Florida Board's disciplinary action against Respondent would misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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: *Dec. 30*, 2004
Albany, New York


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

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

IN THE MATTER
OF
LEE JAY PHILLIPS, M.D.

CONSENT
ORDER

Upon the proposed agreement of **LEE JAY PHILLIPS, 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: 3-30-2005



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