



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

February 8, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Myles Howard, M.D.
Physician Service Association
Suite 204
33 Mitchell Avenue
Binghamton, New York 13903

RE: License No. 184878
Effective Date: 2/15/94

Dear Dr. Howard:

Enclosed please find Order #BPMC 94-14 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
MYLES HOWARD, M.D. : BPMC #94-14

-----X

Upon the application of MYLES HOWARD, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED:

4 February 1994

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
MYLES HOWARD, M.D. :
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF *Broome*) ss.:

MYLES HOWARD, M.D., being duly sworn, deposes and says:

1. I was authorized to practice medicine in New York State on or about January 30, 1991, by the issuance of license number 184878 by the New York State Education Department.
2. I am currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at Physician Service Associates, Suite 204, 33 Mitchell Avenue, Binghamton, New York 13903.
3. I understand that the New York State Board for Professional Medical Conduct has charged me with Twelve Specifications of professional misconduct. A copy of the Statement of

Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

4. I hereby make this Application to the Board and request that it be granted.

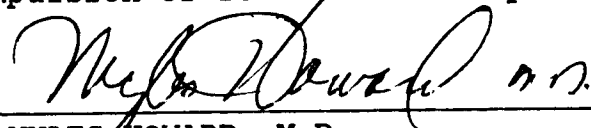
5. I admit all Factual Allegations contained in said Statement of Charges, specifically Factual Allegations A through J inclusive, and I admit guilt to the First, Second, Third, Fourth, Fifth, Sixth and Twelfth Specifications in full satisfaction of the charges against me.

6. I hereby agree to the following penalty:
 - (a) that my license to practice medicine be suspended for a period of two (2) years;
 - (b) that the suspension be stayed;
 - (c) that, during the two (2) years my medical license is suspended, I will adhere to the Terms of Probation, attached hereto, made a part hereof, and marked as Exhibit "B".

7. 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 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.

8. 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.
9. I agree that in the event I am charged with professional misconduct in the future, this Application for Consent Order and the admissions contained herein shall be admitted into evidence in said proceeding.
10. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind.



MYLES HOWARD, M.D.
RESPONDENT

Sworn to before me this
18th day of JANUARY, 1994.



NOTARY PUBLIC

MARY L. MEDINOSKY
Notary Public, State of New York
No. 4779417
Residing in Broome County
My commission expires May 31, 1995

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
MYLES HOWARD, M.D. : CONSENT
-----X
: ORDER

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

Date: 18 Jan. 1994

Myles Howard M.D.
MYLES HOWARD, M.D.
RESPONDENT

Date: 1/18/94

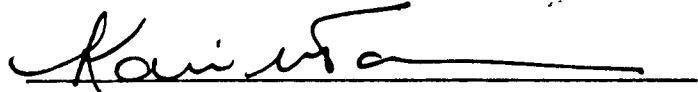
Anthony E. Scher
ANTHONY E. SCHER, ESQ.
ATTORNEY FOR RESPONDENT

Date: 1/26/94

Cindy M. Fascia
CINDY M. FASCIA
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date:

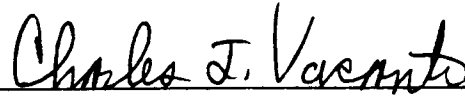
Feb. 7, 1994



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

4 February 1994



CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X
IN THE MATTER : STATEMENT
OF : OF
MYLES HOWARD, M.D. : CHARGES
-----X

MYLES HOWARD, M.D., the Respondent, was authorized to practice medicine in New York State on January 30, 1991 by the issuance of license number 184878 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at Physician Service Associates, Suite 204, 33 Mitchell Avenue, Binghamton, New York 13903.

FACTUAL ALLEGATIONS

A. Respondent, pursuant to the decision of a Special Credentials Committee, 7th Medical Command, Department of the Army, on or about April 14, 1987, was decredited, and his clinical privileges at the Landstuhl Army Regional Medical Center, APO New York, were revoked. Respondent, on or about July 29, 1987, acknowledged his notification and understanding of said action. Thereafter, on or about August 7, 1987, an

Appeal Committee denied Respondent's appeal of said action, and upheld the decision to revoke Respondent's clinical privileges. On or about January 5, 1988, the Office of the Surgeon General denied Respondent's appeal and upheld the revocation of his privileges. Said action by the Office of the Surgeon General constituted the final action in the Army's appeal process.

B. Respondent, on or about April 6, 1992, filed a "Preliminary Questionnaire" with the Mississippi State Board of Medical Licensure, as part of the process of a full application for a license to practice medicine in Mississippi. Respondent answered "No" to the Questionnaire question "Have you ever had disciplinary action taken against you by any professional medical association or society or by a hospital or medical staff of said hospital" when, in fact, Respondent had been decredentialed as a member of the medical staff at Landstuhl Army Regional Medical Center, and his clinical privileges at said facility had been revoked, as set forth in Paragraph A above, and Respondent knew such facts.

C. The Mississippi State Board of Medical Licensure, on or about July 16, 1992, issued an Order to Show Cause charging Respondent with having committed unprofessional conduct. Thereafter, on or about August 20, 1992, the Mississippi State Board of Medical Licensure rendered Findings of Fact,

Conclusions of Law and an Order finding Respondent guilty of unprofessional conduct and denying his application for a license to practice medicine in Mississippi.

D. Respondent's conduct which resulted in the Mississippi State Board's refusal of his application for a medical license included Respondent's "use of [a] false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity of a certificate that is known to be false", in violation of Miss. Code §73-25-29(8)(f).

E. Respondent's conduct resulting in the denial or refusal of his application for licensure would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(2) [practicing the profession fraudulently] and/or N.Y. Educ. Law §6530(21) [willfully making or filing a false report] and/or N.Y. Educ. Law §6530(1) [obtaining the license fraudulently] (McKinney Supp. 1993).

F. Respondent, on or about December 7, 1990, filed an application with the New York State Department of Education for a license to practice medicine in New York State. Respondent

answered "No" to the application question "has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures" when, in fact, Respondent had been decredentialed as a member of the medical staff at Landstuhl Army Regional Medical Center, and his clinical privileges at said facility had been revoked, as set forth in Paragraph A above, and Respondent knew such facts.

G. Respondent, on or about March 12, 1992, filed an application for appointment to the medical staff at United Health Services Hospital, Johnson City, New York. Respondent answered "No" to the application question "Has your employment, medical staff appointment or privileges ever been suspended, diminished, revoked or refused at any hospital or other health care facility" when, in fact, Respondent had been decredentialed as a member of the medical staff at Landstuhl Army Regional Medical Center, and his clinical privileges at said facility had been revoked, as set forth in Paragraph A above, and Respondent knew such facts.

H. Respondent, on or about October 19, 1992, filed an application for appointment to the medical staff at The Community Hospital of Schoharie County, Cobleskill, New York

12043. Said application included an application form that Respondent had filed with Spectrum Emergency Care, Inc., on or about March 12, 1992. Respondent answered "No" to the application question "Have your privileges at any hospital ever been suspended, diminished, revoked or not renewed" when, in fact, Respondent had been decredited as a member of the medical staff at Landstuhl Army Regional Medical Center, and his clinical privileges at said facility had been revoked, as set forth above in Paragraph A, and Respondent knew such facts.

I. Respondent, on or about October 9, 1992, submitted an application dated April 29, 1992 for appointment to the Medical Staff at Chenango Memorial Hospital, Norwich, New York.

1. Respondent answered "No" to the application question "Have your privileges at any facility ever been denied, suspended, discontinued or granted with stated limitations", when, in fact, Respondent had been decredited as a member of the medical staff at Landstuhl Army Regional Medical Center, and his clinical privileges at said facility had been revoked as set forth in Paragraph A above, and Respondent knew such facts.
2. Respondent answered "No" to the application question "Have you ever been involved in a professional misconduct action" when, in fact, the Mississippi State Board of Medical Licensure had charged Respondent with unprofessional conduct, found him guilty of unprofessional conduct, and denied his application for a license, as set forth above in Paragraph C.

J. Respondent, on or about September 9, 1992, filed a registration application with the New York State Education Department to practice medicine in New York State during the period from January 1, 1993 through December 31, 1994. Respondent answered "No" to the application question "Since you last registered, has any state other than New York instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended or accepted surrender of a professional license held by you" when in fact, Respondent, pursuant to an Order to Show Cause dated July 16, 1992, had been charged with unprofessional conduct by the Mississippi State Board of Medical Licensure. In addition, on or about August 20, 1992, the Mississippi State Board of Medical Licensure issued an Order finding Respondent guilty of unprofessional conduct, and denying his application for a license, as set forth above in Paragraph C.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

WILLFULLY FILING A FALSE REPORT

Respondent is charged with committing professional misconduct by willfully making or filing a false report under N.Y. Educ. Law §6530(21) (McKinney Supp. 1993) in that Petitioner charges:

1. The facts in Paragraph B.
2. The facts in Paragraph F.
3. The facts in Paragraph G.
4. The facts in Paragraph H.
5. The facts in Paragraphs I and I.1, and/or I.2.
6. The facts in Paragraph J.

SEVENTH THROUGH TENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with practicing the profession of medicine fraudulently under N.Y. Educ. Law §6530(2) (McKinney Supp. 1993), in that Petitioner charges:

7. The facts in Paragraph G.
8. The facts in Paragraph H.
9. The facts in Paragraph I and I.1, and/or I.2.
10. The facts in Paragraph J.

ELEVENTH SPECIFICATION

OBTAINING THE LICENSE FRAUDULENTLY

Respondent is charged with obtaining his license to practice medicine in New York State fraudulently under N.Y. Educ. Law §6530(1) (McKinney Supp. 1993), in that Petitioner charges:

11. The facts in Paragraph F.


TWELFTH SPECIFICATION

HAVING AN APPLICATION FOR A LICENSE REFUSED

Respondent is charged with having his application for a license refused by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the refusal of his application for a license would, if committed in New York State, constitute professional misconduct under the laws of New York State, under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1993), in that Petitioner charges:

12. The facts in Paragraphs C, D and E.

DATED: Albany, New York
January 5, 1994



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

EXHIBIT B

TERMS OF PROBATION

MYLES HOWARD, M.D.

1. Respondent during the period of probation shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the ethical and professional standards imposed by law and his profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of Probation, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may three times during the first year of probation and two times during the second year of probation, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine.

6. Respondent shall cooperate with the monitoring of his practice of medicine by a practice monitor. Such practice monitor shall review Respondent's professional performance and practice. The practice monitor:
 - a. Shall be a physician licensed to practice medicine in New York State.
 - b. Shall not be a personal friend or relative of Respondent.
 - c. Shall be selected by Respondent, subject to the approval of the Director of OPMC.
 - d. Shall be familiar with the Application for Consent Order and with the Terms of Probation contained herein.
 - e. Shall submit to OPMC monthly written reports regarding the quality of Respondent's practice of medicine and compliance with the Terms of Probation.
 - f. Shall meet with a medical coordinator of OPMC or other physician, designated by the Director of OPMC, and Respondent every three months to review the monitoring of Respondent's practice of medicine.
 - g. Shall immediately report to OPMC any failure of Respondent, at any time, to comply with the Terms of Probation.
 - h. Shall acknowledge his/her willingness to serve as Respondent's practice monitor by executing the acknowledgement provided by OPMC.
7. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
8. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of 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 such other proceeding against Respondent as may be authorized by the Public Health Law.