



***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*

Kendrick A. Sears, M.D.  
*Chairman*

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

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

*Public*

December 11, 2006

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

Paul Kitsis, M.D.  
1 Columbus Place  
Apartment N23-A  
New York, NY 10019

RE: License No. 224342

Dear Dr. Kitsis:

Enclosed is a copy of Order #BPMC 06274 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 18, 2006.

**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:**

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,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

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

cc: Scott I. Einiger, Esq.  
Abrams, Fensterman, Fensterman et al  
220 East 42nd Street, Suite 505  
New York, NY 10017

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

---

IN THE MATTER

CONSENT

OF

ORDER

PAUL KITSIS, M.D.

---

Upon the application of (Respondent), **PAUL KITSIS, 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 Consent 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: 12-11-2006



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

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

---

**IN THE MATTER**

**OF**

**PAUL KITSIS, M.D.  
CO-05-09-4742-A**

---

**CONSENT**

**AGREEMENT**

**AND ORDER**

BPMC No. 06-274

**PAUL KITSIS, M.D.**, representing that all of the following statements are true, deposes and says:

That on or about April 2, 2002, I was licensed to practice as a physician in the State of New York, and issued License No. 224342 by the New York State Education Department.

My current address is One Columbus Place, Apt. N23-A, New York, NY 10019, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with ten (10) 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 Factual Allegation C and the Fifth Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand;

\$2,500.00 fine;

The fine is to be paid within thirty (30) days of the effective date of this Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 1258, Albany, NY 12237-0016; and

Three (3) years probation, in accordance with Exhibit B, attached, hereto.

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

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee 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 Consent 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 Consent 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 Consent Order shall constitute misconduct as defined by New York 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 New York 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 Consent 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 Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

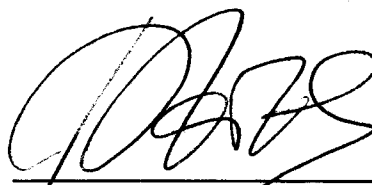
I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

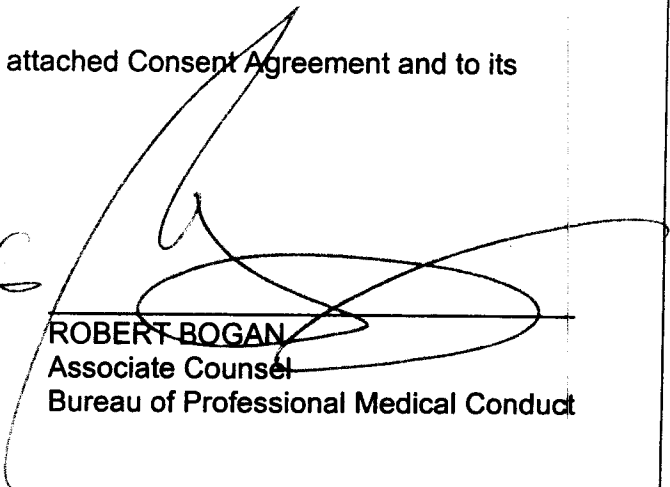
DATED: \_\_\_\_\_

12/4/06

  
\_\_\_\_\_  
PAUL KITSIS, M.D.  
Respondent

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

DATE: 6 December 2006

  
\_\_\_\_\_  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 7 December 2006

  
\_\_\_\_\_  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

---

**IN THE MATTER**  
**OF**  
**PAUL KITSIS, M.D.**  
**CO-05-09-4742-A**

---

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

**PAUL KITSIS, M.D.**, Respondent, was authorized to practice medicine in New York state on April 2, 2002, by the issuance of license number 224342 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 7, 2003, in the Criminal Court of the City of New York, County of New York, New York, Respondent was charged with Operating a motor vehicle while intoxicated, in violation of New York Vehicle and Traffic Law, §1192.3, a misdemeanor; Operating a motor vehicle while intoxicated, in violation of New York Vehicle and Traffic Law, §1192.2, a misdemeanor; and Operating a motor vehicle while impaired, in violation of New York Vehicle and Traffic Law, §1192.1, a violation.

B. On or about December 1, 2003, Respondent prepared and submitted a Registration Renewal Document, to the New York State Education Department, wherein he falsely answered "No" to question, "2.c. Are criminal charges pending against you in any court?"

C. On or about January 20, 2004, in the Criminal Court of the City of New York, County of New York, New York, Respondent was found guilty, based on a plea of guilty, of Driving while intoxicated, in violation of New York Vehicle and Traffic Law, §1192.3, a misdemeanor, and was sentenced to a one (1) year Conditional Discharge, a \$500.00 fine, ten (10) days community service, and a six (6) month suspension of his driver's license.

D. On or about December 20, 2004, Respondent prepared and submitted an Application for Appointment to the Medical and Dental Staff of Staten Island University Hospital, to Staten Island University Hospital, wherein he falsely answered "No" to two (2) questions "6.



Have there been or are there any criminal charges pending against you,” and “Have there been or are there any criminal convictions against you?”

E. On or about June 1, 2005, Respondent prepared and submitted an Application for Medical Staff Appointments, to Continuum Health Practitioners, Inc., (Beth Israel and St. Luke's Roosevelt), wherein he falsely answered “No” to question, “a. Professional Conduct History 1. Have you ever been convicted of a crime (other than a motor vehicle citation), including driving under the influence of alcohol or a controlled substance?”

F. On or about January 20, 2004, to on or about June 21, 2006, Respondent failed to notify the New York State Department of Health updating his New York State Physician Profile, Physician Survey, with regard to the criminal conviction set forth in Paragraph C, above.

### **SPECIFICATIONS**

#### **FIRST THROUGH FOURTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.
2. The facts in Paragraphs A, C, and/or D.
3. The facts in Paragraphs A, C, and/or E.
4. The facts in Paragraphs A, C, and/or F.

#### **FIFTH SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing acts constituting a crime under New York state law, in that Petitioner charges:

5. The facts in Paragraphs A and/or C.

#### **SIXTH THROUGH NINTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

6. The facts in Paragraphs A and/or B.
7. The facts in Paragraphs A, C and/or D.
8. The facts in Paragraphs A, C, and/or E.


9. The facts in Paragraphs A, C, and/or F.

**TENTH SPECIFICATION**

Respondent violated New York Education Law §6530(21) by failing to file a report required by law or by the department of health or by the education department, in that Petitioner charges:

10. The facts in Paragraphs A, C and/or F.

DATED: *August 17*, 2006  
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 Education Law §§ 6530 or 6531 shall constitute a violation of probation and may Subject Respondent to an action pursuant to New York 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 this 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, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
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 § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 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 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall 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 as 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, hospital charts, and/or electronic records; 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 professional ethics. 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 submit to OPMC for review copies of all applications for privileges and/or credentialing forms.
11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a 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.