



*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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*Vice Chair*

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

September 2, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul David DiMaio, P.A.  
418 Tierra Place  
Pittsburgh, PA 15237

RE: License No. 002645

Dear Mr. DiMaio:

Enclosed please find Order #BPMC 99-225 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 2, 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.

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 1315  
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".

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

Enclosure

cc: Robert Bogan, Esq.

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

**IN THE MATTER  
OF  
PAUL DAVID DIMAIO, P.A.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

BPMC #99-225

STATE OF NEW YORK )  
COUNTY OF RENSSELAER ) ss.:

PAUL DAVID DIMAIO, M.D., (Respondent) being duly sworn, deposes and says:

That on or about February 25, 1985, I was licensed to practice as a physician's assistant in the State of New York, having been issued License No. 002645 by the New York State Education Department.

My current address is 418 Tierra Place, Pittsburgh, Pennsylvania 15237, 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 two (2) specifications of professional misconduct.

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

I agree not to contest the two (2) specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

\$1,000.00 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 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/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)(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.

AFFIRMED:

DATED 8/19/99


  
\_\_\_\_\_  
PAUL DAVID DIMAIO, P.A.  
RESPONDENT

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

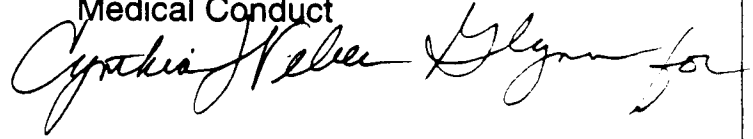
DATE: \_\_\_\_\_

\_\_\_\_\_  
JOHN K. HEISEY, ESQ.  
Attorney for Respondent

DATE: 19 August 1999

  
\_\_\_\_\_  
ROBERT BOGAM  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: Aug 24, 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  
PAUL DAVID DIMAIO, P.A.

CONSENT  
ORDER

Upon the proposed agreement of PAUL DAVID DIMAIO, P.A.  
(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: 8/26/99


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

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
PAUL DAVID DIMAIO, P.A. : CHARGES

-----X

PAUL DAVID DIMAIO, P.A., the Respondent, was authorized to practice medicine in New York State on February 25, 1985, by the issuance of license number 002645 by the New York State Education Department.

**FACTUAL ALLEGATION**

A. On or about August 25, 1998, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, (hereinafter "Pennsylvania Board"), entered a Consent Agreement and Order, (hereinafter "Pennsylvania Agreement II") that imposed a civil penalty in the amount of \$100.00 based on Respondent's admission that he violated a lawful order of the Pennsylvania Board previously entered in a disciplinary proceeding.

B. On or about October 21, 1997, the Pennsylvania Board entered a Consent Agreement And Order (hereinafter "Pennsylvania Agreement I"), wherein the Respondent agreed to pay a civil penalty of \$500.00 and costs in the amount of \$75.00 and to abide by and obey all laws based on Respondent's agreement that he



violated 63 P.S. §422.13(e) by practicing as a physician assistant without first completing the technical requirement and obtaining the requisite approval of his written agreement.

C. The conduct resulting in the Pennsylvania Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

1. New York Education Law §6530(2) (practicing the profession beyond its authorized scope);

2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations);

3. New York Education Law §6530(21) (failing to file a report required by law or by the department of health or the education department); and/or

4. New York Education Law §6530(24) (practicing beyond the scope permitted).

#### **SPECIFICATIONS**

##### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice of professional misconduct by a duly authorized professional

disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A, B, and/or C.

**SECOND SPECIFICATIONS**

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A, B, and/or C.

DATED: *May 20*, 1999  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct