



Department of Health

ANDREW M. CUOMO
Governor

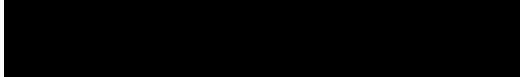
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

November 18, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mona Nicolae, M.D.



RE: License No. 225052

Dear Dr. Nicolae:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 16-377. This Order and any penalty provided therein goes into effect November 25, 2016.

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 2784
Empire State Plaza
Albany, New York 12237

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York, 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

**IN THE MATTER
OF
MONA NICOLAE, M.D.**

BPMC No. 16-377

**CONSENT
ORDER**

Upon the application of MONA NICOLAE, M.D., (Respondent) 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.

DATE: November 17, 2016



ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
MONA NICOLAE, M.D.

CONSENT
AGREEMENT

MONA NICOLAE, M.D., represents that all of the following statements are true:

That on or about June 11, 2002, I was licensed to practice as a physician in the State of New York, and issued License No. 225052 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one Specification of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the First Specification of the charges against me, and agree to the following penalty:

Pursuant to New York Public Health Law §230-a(1), I shall be subject to a Censure and Reprimand.

Pursuant to New York Public Health Law §§230-a(7) and (9), I shall be subject to a fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00), to be paid in full within 30 days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 2784
Empire State Plaza
Albany, New York 12237

In making such payment, Respondent shall indicate the order number of this Order both on the payment check submitted and on the cover letter accompanying payment. Additionally, Respondent shall simultaneously mail a photocopy of the check and cover letter to:

Physician Monitoring Program
Office of Professional Medical Conduct
Riverview Center
150 Broadway, Suite 355
Albany, New York 12204-2719.

to and made a part of this Consent Agreement.

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

That Respondent shall comply with each and every penalty imposed by this Order pursuant to New York Public Health Law §230-a; and

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 120 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 provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, 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. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that

OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; 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 the 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. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

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.

DATE: November 4th, 2016



MONA NICOLAE, M.D.
Respondent

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

DATE: November 10, 2016



JEFFREY J. CONKLIN, ESQ.
Associate Attorney
Bureau of Professional Medical Conduct

DATE: 11/16/16



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
MONA NICOLAE, M.D.

STATEMENT
OF
CHARGES

MONA NICOLAE, M.D., the Respondent, was licensed to practice as a physician in New York State on June 11, 2002, by the issuance of license number 225052 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 13, 2013, the respondent was involved in an automobile accident in Westfield, New Jersey. At that time, the Respondent was arrested and charged with, among other things, operating an automobile with a blood alcohol content of 0.18. On or about August 14, 2014, in the Town of Westfield Municipal Court, State of New Jersey, Respondent was convicted of Operating a Vehicle Under the Influence, in violation of Section 39:4-50(a) of the New Jersey Statutes, which includes possible penalties of imprisonment up to thirty days, loss of license from seven months to one year, community service, imposition of ignition interlock device, fines and fees. The Respondent was fined \$764.

B. The Respondent's conviction of Operating a Vehicle Under the Influence in the State of New Jersey would, if it had been committed in New York, have been a crime pursuant to Vehicle and Traffic Law Section 1192-A, a misdemeanor.

SPECIFICATION OF MISCONDUCT

First Specification
Criminal Conviction

Respondent is charged with committing professional misconduct as defined in New York Education Law Section 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law, to wit: New York Vehicle and Traffic Law Section 1192-A, as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: Albany, New York
November *14*, 2016



MICHAEL A. HISER, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct