



*New York State Board for Professional Medical Conduct*

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

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner of Health*

Patrick F. Carone, M.D., M.P.H.  
*Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

June 18, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Roseann Fazio, D.O.  
7410 10th Avenue  
Brooklyn, New York 11228

RE: License No. 164384

Dear Dr. Fazio:

Enclosed please find Order #BPMC 98-120 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 25, 1998**.

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,



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

Enclosure

cc: Barbara A. Ryan, Esq.  
Aaronson, Rappaport, Feinstein & Deutsch, LLP  
757 Third Avenue  
New York, New York 10017

David W. Smith, Esq.

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

IN THE MATTER  
OF  
ROSEANN FAZIO, D.O.

CONSENT  
AGREEMENT  
AND  
ORDER

BPMC #98-120

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

ROSEANN FAZIO, D.O., being duly sworn, deposes and says:

That on or about 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 164384 by the New York State Education Department.

My current address is 7410 Tenth Avenue, Brooklyn, New York, 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 three specifications of professional misconduct.

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

I cannot successfully defend against the First Specification, in full satisfaction of the charges against me.

I hereby agree to the following penalty:

- a. Censure and Reprimand.
- b. A \$10,000.00 fine, of which \$5,000.00 shall be paid to the Director of the Office of Professional Medical Conduct within sixty (60) days of the date of the Order herein. The remaining \$5,000.00 will abate if the Director determines that there are

no outstanding unresolved complaints or unsatisfied requests regarding any medical records as of one year from the date of the Order. Should, however, it be determined by the Director that there are outstanding unresolved complaints or unsatisfied requests for any medical records on such date, the remaining \$5,000.00 shall be paid within fifteen (15) days after the first anniversary of the Order.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition or to timely pay all bills due shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

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 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.

  
\_\_\_\_\_  
ROSEANN FAZIO, D.O.  
RESPONDENT

Sworn to before me this

*19* day of *May*, 19 *98*

  
\_\_\_\_\_  
NOTARY PUBLIC


**BARBARA A. RYAN**  
NOTARY PUBLIC, State of New York  
No. 02RY4970663  
Qualified in New York County  
Commission Expires *Sept 19, 1998*

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

DATE: 4/20/98

  
BARBARA A. RYAN, ESQ.  
Attorney for Respondent

DATE: 6/8/98

  
DAVID W. SMITH  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 6/11/98

  
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  
ROSEANN FAZIO, D.O.

CONSENT  
ORDER


Upon the proposed agreement of ROSEANN FAZIO, D.O. (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 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: 6/15/98

  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
ROSEANN FAZIO, D.O.

STATEMENT  
OF  
CHARGES

ROSEANN FAZIO, D.O., the Respondent, was authorized to practice medicine in New York State in or about 1985, by the issuance of license number 164384 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Prior to in or about 1996, Respondent treated Patients A, B, C and D for various medical conditions at her office at 7410 10th Avenue, Brooklyn, New York 11228. (All patients are identified in the Appendix attached hereto)
1. Despite repeated requests pursuant to NY Pub. Health Law §17 from Patients A, B, C, and D during 1996, Respondent failed to release their medical records to them or their designated physicians.



## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **FAILURE TO MAKE RECORDS AVAILABLE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(22)(McKinney Supp. 1998) by failing to make available to patients copies of documents in the possession of licensee as alleged in the facts of:

1. Paragraphs A and A1.

### **SECOND SPECIFICATION**

#### **WILLFUL OR GROSSLY NEGLIGENT FAILURE TO COMPLY**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(16)(McKinney Supp. 1998) by willfully or in a grossly negligent fashion failing to comply with substantial laws governing the practice of medicine as alleged in the facts of:

2. Paragraphs A and A1.

### **THIRD SPECIFICATION**

#### **FAILURE TO PROVIDE ACCESS**

Respondent is charged with committing professional misconduct as defined in NY Educ. Law §6530(40)(McKinney Supp. 1997) by failing to provide access by

qualified persons to patient information in accordance with the Standards set forth in §18 of the Public Health Law as alleged in the facts of:

3. Paragraphs A and A1.

DATED: April 1, 1998  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct