



## Department of Health

ANDREW M. CUOMO  
Governor

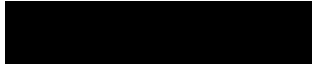
HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

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

March 6, 2019

### CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nicholas B. Taintor, M.D.



Re: License No. 251050

Dear Dr. Taintor:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 19-044. This order and any penalty provided therein goes into effect March 13, 2019.

**You are required to deliver your license and registration within 5 days of the effective date of the surrender provision to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.**

**If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518) 402-0846.

Sincerely,



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

Enclosure

cc: Benjamin Geizhals, Esq.  
Moritt, Hock & Hamroff, LLP.  
400 Garden City Plaza  
Garden City, New York 11530

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

BPMC No. 19-044

IN THE MATTER  
OF  
NICHOLAS B. TAINTOR, M.D.

SURRENDER  
ORDER

Upon the application of (Respondent) NICHOLAS B. TAINTOR, M.D. to surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

ORDERED, that Respondent's name be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender of License application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney,

Whichever is first,

SO ORDERED.

DATE: 03/05/2019

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

1

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

IN THE MATTER  
OF  
NICHOLAS B. TAINTOR, M.D.

SURRENDER  
OF  
LICENSE  
AND  
ORDER

NICHOLAS B. TAINTOR, M.D., represents that all of the following statements are true:

That on or about November 10, 2008, I was licensed to practice as a physician in the State of New York, and issued License No. 251050 by the New York State Education Department.

My current address is [REDACTED].

The New York State Board for Professional Medical Conduct (Board) has issued a Determination and Order ("D&O") (BPMC #18-228, marked as Exhibit "A", attached to and part of this Surrender Agreement) sustaining two specifications of professional misconduct. An appeal to the Administrative Review Board of the State Board ("ARB") is currently pending. I make this application in the interest of resolving the matter without final action by the ARB.

Based upon the findings and conclusions set forth in the D&O, I request and agree to modification of the penalty set forth therein to read:

Respondent agrees to surrender his New York State medical license, and agrees to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept my Surrender of License, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application 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 Public Health Law.

I agree that, if the Board accepts my Surrender of License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender Order, this agreement, and all attached exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website(s). OPMC shall report this action to the National Practitioner Data Bank, the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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 2/21/19

  
NICHOLAS B. TAINTOR, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and Order and to its proposed penalty, terms and conditions.

DATE: 2/22/19

  
BENJAMIN GEIZHALS, ESQ.  
Attorney for Respondent

DATE: 2/22/19

  
PAUL TSUI  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 3/5/19

  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

EXHIBIT "A"

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

**COPY**

IN THE MATTER  
OF  
NICHOLAS B. TAINTOR, M.D.

DETERMINATION  
AND  
ORDER  
18-228

A hearing was held on August 16, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), Lyon M. Greenberg, M.D., Chairperson, Jose M. David, M.D., and Paul Lambiase, duly designated members of the State Board for Professional Medical Conduct (Board), served as the Hearing Committee in this matter. Matthew C. Hall, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Associate Attorney, Paul Tsui, Esq. A Notice of Referral Proceeding and Statement of Charges dated June 14, 2018, were duly served upon Nicholas B. Taintor, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-10). The Respondent did not offer any documents into evidence. A stenographic reporter prepared a transcript of the proceeding.

After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9)(b) and § 6530(9)(d), and that the penalty of a suspension, wholly, of his medical license for three years, followed by probation with conditions, is appropriate.



### BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(b) for "having been found guilty of improper professional practice or 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." The Respondent is also charged with professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving his...license to practice medicine revoked, suspended or having other disciplinary action taken...where the conduct resulting in the revocation, suspension or other disciplinary action involving the license...would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a]."

### FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Nicholas B. Taintor, M.D., the Respondent, was licensed by the New York State Education Department to practice medicine on November 10, 2008, by the issuance of license number 251050. (Ex. 8).

2. The Respondent was also licensed to practice medicine in the State of Virginia. On or about July 31, 2017, the Respondent admitted to Findings of Fact and Conclusions of Law before the Virginia Board of Medicine (Virginia Board), pursuant to a Consent Order (Virginia Order) which

Included violations of Virginia § 54.1-2915A(2), (4) and (14) in that the Respondent was deemed unsafe to practice medicine due to diagnoses of alcohol dependence; major depressive disorder, recurrent; dependent personality and insomnia; and dismissal from the Virginia Health Practitioners' Monitoring Program (Virginia HPMP). Respondent also violated Virginia Code §§ 54.1-2915A(1), (16), and (18) for having materially misrepresented facts and provided fraudulent, false and misleading information in his application for Licensure to Practice Medicine and Surgery, submitted on September 17, 2013. (Ex. 9).

3. The Virginia Board ordered that the Respondent's license to practice medicine and surgery be suspended and that the suspension be stayed upon proof of Respondent's entry into a contract with the Virginia HPMP, and upon stay of the suspension that Respondent fully complies with and successfully completes the program. (Ex. 9).

4. On or about February 7, 2018, the Virginia Board stayed the suspension of Respondent's license to practice medicine and surgery upon receiving verification that Respondent entered into the Virginia HPMP. (Ex. 9).

#### VOTE OF THE HEARING COMMITTEE

##### FIRST SPECIFICATION

The Hearing Committee decided, by a vote of 3-0, that the evidence supports sustaining the charge of the Respondent having committed professional misconduct as defined by New York Education Law §6530(9)(b).

##### SECOND SPECIFICATION

The Hearing Committee decided, by a vote of 3-0, that the evidence supports sustaining the charge of the Respondent having committed professional misconduct as defined by New York Education Law §6530(9)(d).

### HEARING COMMITTEE DETERMINATIONS

Regarding the first specification, after reviewing the records obtained from the Virginia Board of Medicine, the Hearing Committee unanimously determined (3-0) that, as alleged in the Statement of Charges, the Respondent violated Educ. Law § 6530(9)(b), which defines professional misconduct, in pertinent part as:

9(b) Being found guilty of improper professional practice or 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, would constitute professional misconduct under the laws of New York state.

The Respondent admitted to Findings of Fact and Conclusions of Law. Specifically, he admitted to violating Virginia Code § 54.12915.A (2), (4) and (14) in that he is unsafe to practice due to diagnoses of alcohol dependence; major depressive disorder, recurrent; dependent personality and insomnia. (Ex. 9). He also admitted to violating Virginia Code § 54.12915.A(1), (16) and (18) in that he materially misrepresented facts and provided fraudulent, false and misleading information in his Application for Licensure to Practice Medicine and Surgery.

Regarding the second specification, after listening to testimony and reviewing the records obtained from the Virginia Board of Medicine, the Hearing Committee unanimously determined (3-0) that, as alleged in the Statement of Charges, the Respondent violated Educ. Law § 6530(9)(d), which defines professional misconduct, in pertinent part as:

9(d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken...or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action...if committed in New York state, would constitute professional misconduct under the laws of New York state.

The Petitioner recommended revocation of the Respondent's license. While the Committee strongly considered this penalty, especially considering the Respondent's failure to appear, despite receiving service of the Notice of Referral Proceeding in conformity with PHL 230(10)(d), and his admissions to his wrongdoings in Virginia, it was persuaded to a different conclusion. The Committee noted the evidence did not establish patient harm or a history of misconduct, but rather, related to the Respondent's personal struggles with alcohol abuse. As such, the Committee determined to suspend, wholly, his medical license for a period of three years, followed by probation for five years with conditions to include a sobriety monitor. The Committee also strongly recommends that the respondent seek an evaluation voluntarily concerning alcohol impairment from an evaluator of the Respondent's choosing, subject to the approval of the OPMC Director. Should the Respondent fail to arrange for and complete the evaluation within the first 90 days of probation, the Committee recommends the OPMC Director convene a Board Committee pursuant to PHL 230(7)(a), to determine if cause exists to order the Respondent to submit to an examination concerning impairment due to alcohol.

## ORDER

IT IS HEREBY ORDERED THAT:

1. All specifications of professional misconduct, as set forth in the Statement of Charges, are sustained.
2. The Respondent's license to practice medicine in the State of New York is wholly suspended under PHL § 230-a(2)(a), for a period of three years.
3. At the completion of the period of whole suspension, the Respondent is placed on probation for five years during which he will comply with the terms of probation annexed as Attachment A.
4. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

Dated: October 16<sup>th</sup>, New York  
2018

**Lyon M. Greenberg, M.D.**  
**Chairperson**

Jose M. David, M.D.  
Paul J. Lambiase

**Paul Tsui**  
Associate Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

**Nicholas B. Taintor, M.D.**

## ATTACHMENT A

### 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 N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of his license 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), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204 with the following information, in writing, and ensure that this information is kept current: a full description of his 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 his compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent shall abstain from the use of alcohol during the probationary period and shall be monitored by a qualified health care professional proposed by Respondent and approved in writing by the Director of OPMC (sobriety monitor).
6. The sobriety monitor shall oversee Respondent's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, supervised, unannounced blood, breathalyzer and/or urine tests for the presence of alcohol. The sobriety monitor shall notify the Director of OPMC immediately if Respondent refuses such a test or if a test reveals Respondent is not alcohol free.
7. Every three months, the sobriety monitor shall submit a report to OPMC certifying compliance with these terms or describing any failure to comply.
8. 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 he 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 the Determination and Order or as are necessary to protect the public health.

9. 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.
10. Respondent shall comply with these probationary 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.

## APPENDIX B



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

IN THE MATTER  
  
OF  
  
NICHOLAS B. TAINTOR, M.D.

STATEMENT  
  
OF  
  
CHARGES

Nicholas B. Taintor, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 10, 2008, by the issuance of license number 251050 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 31, 2017, the Respondent admitted Findings of Fact and Conclusions of Law before the Virginia Board of Medicine (hereinafter, "Virginia Board"), pursuant to a Consent Order (hereinafter, "Virginia Order") which included violations of Virginia Code §54.1-2915.A(2), (4) and (14) in that Respondent was deemed unsafe to practice due to diagnoses of alcohol dependence; major depressive disorder, recurrent; dependent personality and insomnia; and dismissal from the Virginia Health Practitioners' Monitoring Program (hereinafter, "HPMP"). Respondent also violated Virginia Code §§54.1-2915.A(1), (16), and (18) for having materially misrepresented facts and provided fraudulent, false and misleading information in his Application for Licensure to Practice Medicine and Surgery, submitted on September 17, 2013.

B. The Virginia Board ordered that the Respondent's license to practice medicine and surgery be suspended and that the suspension be stayed upon proof of Respondent's

entry into a Contract with the Virginia HPMP, and upon stay of the suspension that Respondent fully complies with and successfully completes the program.

C. On or about February 7, 2018, the Virginia Board stayed the suspension of Respondent's license to practice medicine and surgery upon receiving verification that Respondent entered into the Virginia HPMP.

D. The conduct resulting in the Virginia Board's disciplinary action against the 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(1) (Obtaining the license fraudulently);
2. New York Education Law §6530(2) (Practicing the profession fraudulently);
3. New York Education Law §6530(7) (Practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability); and/or
4. New York Education Law §6530(8) (Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs the licensee's ability to practice)

## SPECIFICATION OF CHARGES

### FIRST SPECIFICATION

#### HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or 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 (namely N.Y. Educ. Law §6530[1], [2], [7] and [8]) as alleged in the facts of the following:

1. Paragraphs A, B, C, and D and D1, D and D2, D and D3, and/or D and D4.

### SECOND SPECIFICATION

#### HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his

or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530[1], [2], [7] and [8]) as alleged in the facts of the following:

2. Paragraphs A, B, C, and D and D1, D and D2, D and D3, and/or D and D4.

DATE: June 15, 2018  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

EXHIBIT "B"

Requirements for Closing a Medical Practice Following a  
Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.
5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within 15 days of the Order's

effective date, advise the DEA, in writing, of the licensure action and shall surrender Licensee's DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.

6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment for up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.