



Department
of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

June 28, 2022

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alicia Nicholls, P.A.


Re: License No. 005223

Dear Alicia Nicholls:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 22-153. This order and any penalty provided therein goes into effect July 5, 2022.

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,



Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Svetlana Ros, Esq.
Pashman Stein Walder Hayden, PC
Court Plaza South
21 Main Street, Suite 200
Hackensack, New Jersey 07601

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

BPMC No. 22-153

**IN THE MATTER
OF
ALICIA NICHOLLS, P.A.**

**CONSENT
ORDER**

Upon the application of Alicia Nicholls, P.A. 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: 6/27/2022


THOMAS T. LEE, M.D.
Interim Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
ALICIA NICHOLLS, P.A**

**CONSENT
AGREEMENT**

ALICIA NICHOLLS, P.A., represents that all of the following statements are true:

That on or about January 5, 1996, I was licensed to practice as a physician assistant by the issuance of license number 005223 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 or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one act of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to New York Pub. Health Law § 230-a(2), my license to practice as a physician assistant in New York State shall be suspended for three (3) months, with the entire period stayed.

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 N.Y. Pub. Health Law § 230-a; and

That Respondent shall enroll in and successfully complete a continuing education program as directed by the Office of Professional Medical Conduct, subject to the Director of OPMC's prior written approval; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ 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 N.Y. Educ. 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.

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 N.Y. Educ. 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 N.Y. Pub. 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 or other confidential information, 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 N.Y. Pub. 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.

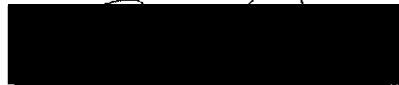
I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or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

DATE 5/31/2022


ALICIA NICHOLLS, P.A.
RESPONDENT

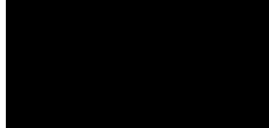
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms, and conditions.

DATE: 6/9/2022



SVETLANA ROS
Attorney for Respondent

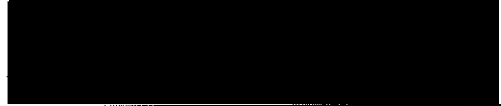
DATE: May 13, 2022



Digitally signed by
David G. Abrams
Date: 2022.05.13
11:45:10 -04'00'

DAVID G. ABRAMS
Senior Counsel
New York State Department of Health

DATE: 6/17/2022



SHELLY WANG BANDAGO
Director
Office of Professional Medical Conduct

IN THE MATTER

OF

ALICIA NICHOLLS, P.A.

STATEMENT
OF
CHARGES

ALICIA NICHOLLS, P.A., the Respondent, was licensed to practice as a physician assistant in New York State on or about January 5, 1996, by the issuance of license number 005223 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On November 9, 2018, Respondent, who was then employed by Inovalon, was scheduled to perform an in-home visit of Patient A (patients are identified in attached Appendix A), then a 52-year-old female, at her residence. The visit's purpose was to have a face-to-face encounter with Patient A and conduct an in-home medical assessment.

1. Respondent failed to properly document that she performed an in-person medical assessment of Patient A on November 9, 2018.
2. Respondent completed a Subjective, Objective, Assessment, Plan ("SOAP") note which indicated she performed an in-person assessment of Patient A on November 9, 2018, which contained inaccurate information.
3. On November 10, 2018, Respondent submitted the SOAP note of Patient A to her employer.

B. On November 9, 2018, Respondent, who was then employed by Inovalon, was scheduled to perform an in-home visit of Patient B, then a 71-year-old female, at her residence. The visit's purpose was to have a face-to-face encounter with Patient B and conduct an in-home medical assessment.

1. Respondent failed to properly document that she performed an in-person medical assessment of Patient B on November 9, 2018.

2. Respondent completed a SOAP note which indicated she performed an in-person assessment of Patient B on November 9, 2018, which contained inaccurate information.
3. On November 10, 2018, Respondent submitted the SOAP note of Patient B to her employer.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

1. Paragraphs A, A.1, A.2 and A.3 and B, B. 1, B. 2 and B.3

DATE: May 13, 2022
New York, New York


HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct