



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

December 13, 2022

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Samuel Preschel, M.D.  

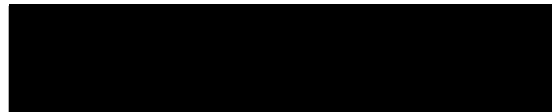

Re: License No. 159182

Dear Dr. Preschel:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 22-250. This order and any penalty provided therein goes into effect December 20, 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: Jordan Fensterman, Esq.  
Abrams Fensterman, LLP.  
3 Dakota Drive, Suite 300  
Lake Success, New York 11042

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

BPMC No. 22-250

IN THE MATTER  
OF  
SAMUEL PRESCHER, M.D.

MODIFICATION  
ORDER

Upon the proposed Application for a Modification Order of Samuel Prescher, M.D.  
(Respondent), which is made a part of this Modification Order, it is agreed to and

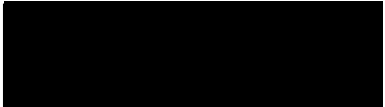
ORDERED, that the attached Application, and its terms, are adopted and SO  
ORDERED, and it is further

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

- by mailing of a copy of this Modification Order, either by first class to Respondent  
at the address in the attached 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: 12/12/2022

  
THOMAS T. LEE, 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  
SAMUEL PRESCHER, M.D.

MODIFICATION  
AGREEMENT  
AND  
ORDER

Samuel Prescher, M.D., represents that all of the following statements are true:

That on or about July 16, 1984, I was licensed to practice as a physician in the State of New York and issued License No. 159182 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 am currently subject to Determination and Order (BPMC Order # 21-194) of the Professional Medical Conduct Administrative Review Board (Attachment I) (henceforth "Original Order"), which went into effect on September 24, 2021, and which was issued following an appeal to the Administrative Review Board for Professional Medical Conduct pursuant to N.Y. Pub. Health Law §230(10) and §230-c. Pursuant to N.Y. Pub. Health Law § 230(10)(q), I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

The sanction imposed in the Original Order was:

- A Censure and Reprimand.

- Probation for a period of three years, subject to the terms set forth in Appendix A of the Original Order.

The sanction imposed shall be modified to read as follows:

- From the effective date of this Modification Order, Respondent's probation shall be terminated;

and

I further agree that from the effective date of this Modification Order, the following conditions shall be imposed:

- Respondent shall comply with each and every penalty and condition imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and
- 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 may subject Respondent to additional action.
- Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 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.

- Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
- Respondent shall engage Infection Control Consulting Services (ICCS), or another Independent Infection control consultant, to be pre-approved by the Director. The infection control consultant shall be required to perform a thorough initial assessment of any location in New York where Respondent engages in the practice of medicine, to ascertain whether there are deficiencies in Respondent's infection control and/or hygiene practices, including cleanliness and sanitary conditions. The infection control consultant shall determine the necessity of a plan of remediation to address any issues and/or concerns identified during the assessment and shall provide the results of the assessment to the Director in writing.
- If the infection control consultant determines that remediation is necessary, the infection control consultant shall develop and prepare a plan for Respondent, delineating remediation to be completed by Respondent, in

Respondent's New York medical practice. The remediation plan must be submitted to the Director for the Director's approval.

- The infection control consultant will perform site visits, to the location(s) where Respondent practices medicine in New York, to assess and ensure Respondent's continued compliance with all recommendations made by the consultant and shall report to the Director, within 3 business days of each visit. The infection control consultant shall ensure Respondent's continued compliance with the remediation plan and proper cleanliness and infection control standards during Respondent's periods of practice in New York.
- If it is determined that the approved infection control consultant cannot continue in the role, regardless of the reason necessitating a replacement, Respondent shall immediately cease the practice of medicine and identify a replacement subject to the Director's written approval, unless notified of an extension in writing by the Director. Such extension may be granted at the Director's discretion.
- The conditions as set forth in this Modification Order shall be applicable to any location in which Respondent practices medicine in New York.
- The infection control consultant conditions shall remain in effect until September 24, 2024.
- Any medical practice in violation of the infection control terms shall constitute the unauthorized practice of medicine.

- Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- Respondent shall enroll in and successfully complete continuing education as directed by the Office of Professional Medical Conduct, subject to the Director of OPMC's prior written approval;
- Respondent shall comply with this Modification Order and all its 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.
- 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 Modification Order's

effective date and will continue so long as Respondent remains a licensee in New York State; and

- Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined



in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29).

Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; 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 Modification 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

- Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Modification 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 Modification 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 Modification 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 Modification 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 Modification Agreement and Order **shall** be admitted into evidence in that proceeding;  
and

All remaining Sanctions, Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I

knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

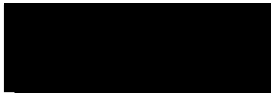
I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or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

DATE 12/6/2022

  
SAMUEL PRESCHER, M.D.  
RESPONDENT

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

DATE: 12/7/2022



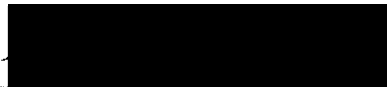
JORDAN FENSTERMAN, ESQ.  
Attorney for Respondent

DATE: 12/09/2022



COURTNEY BERRY  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 12/12/2022



SHELLY WANG BANDAGO  
Director  
Office of Professional Medical Conduct

## ATTACHMENT I



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

September 17, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Nathanial White, Esq.  
NYS Department of Health  
Corning Tower Building, Room 2512  
Empire State Plaza  
Albany, New York 12237

Eric Kanefsky, Esq.  
Calcagni Kanefsky LLP  
One Newark Center  
1085 Raymond Blvd. 14<sup>th</sup> Floor  
Newark, New Jersey 07102

Samuel A. Preschel, M.D.  


**RE: In the Matter of Samuel A. Preschel, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-194) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine **if said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Riverview Center  
150 Broadway – Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

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

In the Matter of

Samuel A. Preschel, M.D. (Respondent)

A proceeding to review a Determination by a  
Committee (Committee) from the Board for  
Professional Medical Conduct (BPMC)

Administrative Review Board (ARB)

Determination and Order No. 21- 194

COPY

Before ARB Members Torrelli, Rabin, Wilson and Milone  
Administrative Law Judge James F. Horan drafted the Determination

For the Department of Health (Petitioner): Nathaniel White, Esq.  
For the Respondent: Eric Kanefsky, Esq.

Following disciplinary action against the Respondent's license to practice medicine in New Jersey, a BPMC Committee determined that the Respondent's conduct amounted to professional misconduct. The Committee declined to take any disciplinary action, or impose any penalty against the Respondent's New York State license to practice medicine (License); but voted to dismiss the charges in the interest of justice. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c (4)(a), the Petitioner asked the ARB to modify that Determination. After reviewing the hearing record and the parties' review submissions, the ARB overturns the Committee's Determination to dismiss the charges in the interest of justice. The ARB imposes the penalties of censure and reprimand and places the Respondent on probation for three years, with a practice monitor.

Committee Determination on the Charges



Pursuant to PHL § 230 *et seq*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL § 230(10)(p). The Petitioner's Statement of Charges alleged that the Respondent committed professional misconduct under Education Law (EL) § 6530(9)(d), by having disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would constitute professional misconduct under Educ. Law §§ 6530(3) and (5) if committed in New York State. (Hearing Exhibit 1). In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). Following the Direct Referral Hearing, the Committee rendered the Determination now on review.

The evidence before the Committee demonstrated that on November 18, 2019, the New Jersey State Board of Medical Examiners (NJ Board) issued a Consent Order, finding that the Respondent failed to maintain his office in a safe and sanitary condition in violation of regulations governing policies and procedures for infection control, waste management and medication inventory (Exhibit 4). The NJ Board reprimanded the Respondent, and required him to retain and comply with the recommendations of an infection control preventionist, as approved by the NJ Board, for no less than one year; complete successfully a NJ Board approved course in infection prevention and pay a \$10,000 civil penalty (Id). The Order arose from an investigation that found the Respondent failed to develop and implement adequate infection control, waste management and/or medical equipment maintenance protocols and failure to adequately monitor and manage his medication and medical supply inventories.

The Committee determined that the Respondent's conduct made him liable for action against his License pursuant to EL §§ 6530(9)(d), based on the Respondent's practicing the profession with negligence on more than one occasion in violation of EL § 6530(3), and practicing the profession with incompetence on more than one occasion in violation of EL § 6530(5). On the issue of penalty, the Petitioner requested that the Committee impose the penalties of censure and reprimand, a three-year period of probation with a practice monitor, and an unspecified monetary fine. The Committee determined by a vote of 2-1 to dismiss the charges against the Respondent in the interests of justice, based on the Respondent's compliance with the NJ Consent Order.

#### Review History and Issues

The Committee rendered their Determination on March 30, 2021. This proceeding commenced on April 16, 2021, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief and the Respondent's reply brief. The record closed when the ARB received the Respondent's brief on May 21, 2021.

The Petitioner argued that the Committee's decision to dismiss the charges was inconsistent with its determination that the NJ Board's Order established that the Respondent violated EL §§ 6530(9)(d) as charged; noting that the Committee's determination was based on the Respondent's compliance with the Consent Order. The Petitioner argued that dismissal in the interest of justice is an unusual remedy and there is nothing unusual, rare, or troubling in this matter that would warrant dismissal. The Petitioner requested that the ARB overturn the Committee, sustain the charges against the Respondent and impose an appropriate penalty in

order to protect patients in New York, noting that the Respondent practices medicine in New York at a summer camp and a hotel every year. The Petitioner requested that the ARB impose a censure and reprimand, three years of probation with a practice monitor, and a fine.

The Respondent replied that the Committee's determination was supported by extraordinarily compelling circumstances and should be affirmed. The Respondent argued that the Respondent had no prior disciplinary record; the Consent Order concerned issues with the physical hygiene of the Respondent's office, not with his treatment of patients; the Respondent accepted responsibility for his actions, has learned from his mistakes, continues to remain compliant and poses no threat to the public.

#### ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd. 195 A.D.2d 86, 606 N.Y.S.2d 381 (3<sup>rd</sup> Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct 205 A.D.2d 940, 613 NYS 2d 759 (3<sup>rd</sup> Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health 222 A.D.2d 750, 634 N.Y.S.2d 856 (3<sup>rd</sup> Dept. 1995). Further, the ARB may choose to substitute our judgment and impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v.

Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3<sup>rd</sup> Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

### Determination

The ARB has considered the record and the parties' briefs. We agree with the Committee that the Respondent's conduct resulting in disciplinary action in New Jersey would constitute professional misconduct if committed in New York State. We overturn the Committee's Determination to dismiss the charges against the Respondent in the interest of justice. The record reflects that the Respondent failed to appreciate the adverse effects the condition of his office and inadequate infection controls would have on his patients. In weighing the mitigating

circumstances, and the duty to protect vulnerable patients, we conclude that a penalty is warranted.

The ARB imposes the penalties of censure and reprimand and a three-year term of probation with a practice monitor. The terms of the probation appear as the Appendix to this Determination.

### Order

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct.
2. The ARB overturns the Committee's Determination to dismiss the charges.
3. Pursuant to PHL § 230-a(1), the ARB censures and reprimands the Respondent.
4. Pursuant to PHL § 230-a(9), the ARB places the Respondent on probation for a period of three years commencing immediately pursuant to the terms appended herein.

Linda Prescott Wilson

Jill Rabin, M.D.

Richard D. Milone, M.D.

Carmela Torrelli

In the Matter of Samuel A. Preschel, M.D.

Carmela Torrelli, an ARD Member concurs in the Determination and Order in the Matter of Dr. Preschel.

Dated: Sept 8, 2021

A black rectangular box redacting the signature of Carmela Torrelli.

Carmela Torrelli

In the Matter of Samuel A. Preschel, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Preschel.


Dated: September 8, 2021

  
Richard D. Milone, M.D.

In the Matter of Samuel A. Preschel, M.D.

Jill Rabin, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Preschel.

Dated: September 8<sup>th</sup>, 2021


  
Jill Rabin



In the Matter of Samuel A. Preschel, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order in the Matter of Dr. Preschel.

Dated: 3 September, 2021

  
Linda Prescott Wilson

# APPENDIX A

### **Terms of Probation**

1. Respondent shall conduct himself in all ways in a manner befitting his professional status; and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, 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 her 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, within 30 days of each action.

3. 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. Respondent shall personally meet with a person designated by the Director of OPMC as directed.

4. Any civil penalty not paid by the date prescribed herein shall be subject to provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges, and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses. (Tax Law §171[27]; State Finance Law §18; CPLR §5001; Executive Law §32).

5. 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.

6. During the probationary period, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.

a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly; and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

8. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations.

9. Respondent shall enroll in and complete a continuing education program subject to the written approval of the Director of OPMC and be completed within the first year of probation.

10. Respondent shall comply with all terms, conditions, restrictions, limitations, and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the

Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

11. The Respondent's period of probation shall commence immediately.