



New York State Board for Professional Medical Conduct

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

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NYS Department of Health
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Office of Professional Medical Conduct

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Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

April 24, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alexander Gapay, M.D.
111 Maltese Drive
Middletown, NY 10940

RE: License No. 111930

Dear Dr. Gapay:

Enclosed please find Order #BPMC 00-116 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 24, 2000**.

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 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

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

Enclosure

cc: John A. Keefe, Esq.
PO Box 855
Katonah, NY 10536

Lee A. Davis, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER	:	CONSENT AGREEMENT
OF	:	AND
ALEXANDER GAPAY M.D.	:	ORDER

BPMC #00-116

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ALEXANDER GAPAY, M.D., (Respondent) says:

That on or about March 21, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111930 by the New York State Education Department.

My current address is 111 Maltese Drive, Middletown, New York, 10940, 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 (3) specifications of professional misconduct.

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

I do not contest the specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

- a) Censure and Reprimand; and

B) \$2,500.00 fine, to be paid in five (5) consecutive monthly \$500.00 installments, commencing on March 30, 2000, and payable thereafter on the twentieth of each successive month, through July 30, 2000.00, until paid in full.

The fine is to be paid at the New York State Department of Health, Bureau of Accounts Management, Empire State Plaza, Corning Tower, Room 1315, Albany, New York 12237.

Any civil penalty not paid in full by the date prescribed herein shall be subject to all 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; and Executive Law § 32].

I further agree that the Consent Order for which I hereby apply shall remain in effect until I have paid the imposed fine in full, and shall impose the following conditions:

That, except during periods of actual suspension [which is not imposed pursuant to this agreement], Respondent shall maintain current registration of Respondent's 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;

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent;

That Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order, including information regarding Respondent's practice; and

That Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. The provisions set forth in this paragraph shall be in effect until the full term of this Order has run.

I hereby stipulate that any failure by me to comply with

such conditions shall constitute misconduct as defined by New York State Education Law 6530 (29).

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set

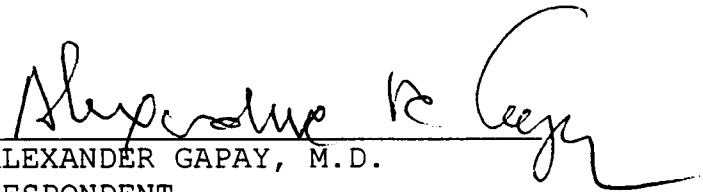
forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

DATE:

4-6-00


ALEXANDER GAPAY, M.D.
RESPONDENT

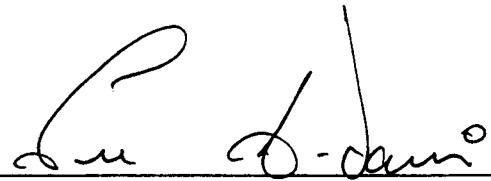
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 4-6-00



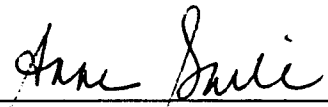
JOHN A. KEEFFE, ESQ.
Counsel for Respondent

DATE: ~~4-7-00~~



LEE A. DAVIS
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: April 11, 2000



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

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IN THE MATTER :
OF : CONSENT ORDER
ALEXANDER GAPAY M.D. :

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Upon the proposed agreement of **ALEXANDER GAPAY, M.D.**
(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 be effective upon issuance
by the Board, which may be accomplished by mailing, by first
class mail, a copy of the Consent Order to Respondent at the
address set forth in this agreement or to Respondent's
attorney by certified mail, or upon transmission via facsimile
to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATE:

April 17th, 2000



WILLIAM P. DILLON, M.D.,
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT
OF : OF
ALEXANDER GAPAY M.D. : CHARGES

-----X

ALEXANDER GAPAY, M.D., the Respondent, was authorized to practice medicine in New York State on March 21, 1972, by the issuance of license number 111930 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 27, 1997, in the Albany City Court, Albany County, Albany, New York, Respondent was convicted of failure to file a New York State income tax return, in violation of §18010-A of the Tax Law of the State of New York, a Class A Misdemeanor, and fined \$1,000.00.
- B. On or about August 27, 1997, a license renewal application was submitted to the New York State Education Department, bearing Respondent's name and signature, on which the "no" block was checked to the question: "Since you last filed a registration application: a. Have you been convicted or charged with any crime (felony or misdemeanor) in any state or

EXHIBIT A

country, the disposition of which was other than acquittal or dismissal?" .

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with professional misconduct pursuant to New York Education Law 6530 (9) (a) (i) by reason of having been convicted of an act constituting a crime under New York State Law, in that Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

VIOLATION OF LAWS, RULES OR REGULATIONS

Respondent is charged with professional misconduct pursuant to New York Education Law 6530 (16) by reason of a willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules or regulations governing the practice of medicine, in that Petitioner charges:

2. The facts in paragraphs A and B.

THIRD SPECIFICATION

FALSE REPORT

Respondent is charged with professional misconduct pursuant to New York Education Law 6530(21) by reason of willfully making and/or filing a false report, or failing to

file a report required by law or by the Department of Health or the Education Department, in that Petitioner charges:

3. The facts in paragraphs A and B.

DATED: ~~January~~ ^{April 3}, 2000
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct