



**New York State Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.  
Chair

April 5, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Vincent Garofalo, M.D.  
418 North Little Tor Road  
New City, New York 10956

RE: License No. 098242

Dear Dr. Garofalo:

Effective Date April 12, 1996

Enclosed please find Order #BPMC 96-77 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

Michael S. Kelly, Esq.

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

IN THE MATTER  
OF  
VINCENT GAROFALO, M.D.

CONSENT  
ORDER  
BPMC #96-77

Upon the application of VINCENT GAROFALO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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:

April 4, 1996

Charles J. Vacanti, M.D.  
for CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
VINCENT GAROFALO, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF NEW YORK )  
COUNTY OF ) ss.:

VINCENT GAROFALO, M.D., being duly sworn, deposes and says:

That in or about 1967, I was licensed to practice as a physician in the State of New York, having been issued License No. 098242 by the New York State Education Department.

My current address is 418 N. Little Tor Road, New City, NY 10956 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 two 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 first specification, and the related factual allegation, in full satisfaction of the charges against me. I hereby agree to the penalty that my license to practice medicine in the State of New York shall be limited, pursuant to New York Public Health Law §230-a(3), to prohibit me from engaging in any direct patient care, treatment, or contact, but shall permit me to engage in record review. I shall, in the future, retain my right to *petition* the Director of the Office of Professional Medical Conduct and the Chairperson of the State Board for Professional Medical Conduct for modification of this limitation for good and compelling cause shown, but said Director and Chairperson shall have unfettered

discretion as to whether or not to grant such petition.

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.

\_\_\_\_\_  
VINCENT GAROFALO, M.D.  
RESPONDENT

Sworn to before me this

day of MARCH, 19 1998  
Carole J. Roper  
NOTARY PUBLIC

**CAROLE J. ROPER**  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 25, 1998

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

IN THE MATTER  
OF  
VINCENT GAROFALO, M.D.

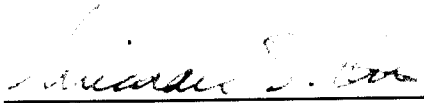
APPLICATION  
FOR  
CONSENT ORDER

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

DATE: \_\_\_\_\_

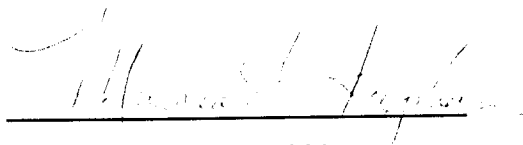
VINCENT GAROFALO, M.D.  
Respondent

DATE: 3/27, 96



MICHAEL KELTON, ESQ.  
Attorney for Respondent

DATE: March 27, 1996



MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: April 3, 1996

Anne Saile

ANNE F. SAILE  
Acting Director  
Office of Professional Medical  
Conduct

DATE: April 4, 1996

Markant Reed, MD

for CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

**IN THE MATTER  
OF  
VINCENT GAROFALO, M.D.**

**STATEMENT  
OF  
CHARGES**

VINCENT GAROFALO, M.D., the Respondent, was authorized to practice medicine in New York State in or about 1967, by the issuance of license number 098242 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about October 15, 1993, Respondent engaged in inappropriate sexual contact with Patient A (identified in Appendix) while providing medical care and treatment to Patient A in his medical office at Congers Road, New City, New York.
- B. Since in or about October, 1995, Respondent has been impaired for the practice of medicine as a result of sequelae of a stroke.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING A PSYCHIATRIC CONDITION**

**WHICH IMPAIRS THE ABILITY TO PRACTICE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8)(McKinney Supp. 1996) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraph B.

**SECOND SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1996) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

2. Paragraph A.

DATED: February , 1996  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct