



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

February 24, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Max Jean-Gilles, M.D.
2 Tamara Court
Dix Hills, New York 11747

RE: License No. 165341

Dear Dr. Jean-Gilles:

Enclosed please find Order #BPMC 97-43 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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

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

Enclosure

cc: Alan Lambert, Esq.
Lifshutz, Polland & Associates, P.C.
675 Third Avenue
New York, New York 10017

Marcia E. Kaplan, Esq.

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

**IN THE MATTER
OF
MAX JEAN-GILLES, M.D.**

**CONSENT
ORDER**

BPMC #97-43

Upon the application of MAX JEAN-GILLES, 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: 15 February 1997



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
MAX JEAN-GILLES, M.D.**

**APPLICATION
FOR
CONSENT ORDER**

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

MAX JEAN-GILLES, M.D., being duly sworn, deposes and says:

That on or about January 30, 1996, I was licensed to practice as a physician in the State of New York, having been issued License No. 165341 by the New York State Education Department.

My current address is 2 Tamara Court, Dix Hills, N.Y. 11747, 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 admit guilt to the First and Second Specifications, in full satisfaction of the charges against me. I hereby agree that a sanction of Censure and Reprimand and a fine of \$5000 shall be imposed upon me, payable in four installments of \$1250 each. The first installment shall fall due within ten days of the effective date of the Consent Order, and each of the remaining three installments shall fall due on May 1, 1997, September 1, 1997 and December 1, 1997 respectively. I agree that if I fail to pay the fine, or any installment thereof, as specified above, my failure to do so shall constitute professional misconduct as set forth in N.Y. Educ. Law Sec. 6530(29), and I shall be subject to all other provisions of law

relating to debt collection by New York State, including but 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 section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].

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.


MAX JEAN-GILLES, M.D.
RESPONDENT

Sworn to before me this

31 day of Jan, 1997.


NOTARY PUBLIC

VINCENT J. PROCITA JR.
NOTARY PUBLIC, STATE OF NEW YORK
NO. 52-3165890 QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES Jan 11, 1997

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

IN THE MATTER
OF
MAX JEAN-GILLES, 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:

1. 31 97


MAX JEAN-GILLES, M.D.
Respondent

DATE:

1/31/97


ALAN LAMBERT, ESQ.
Attorney for Respondent

DATE:

February 5, 1997


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Jul 13 1997

Anne Saile

ANNE F. SAILE
Director
Office of Professional Medical
Conduct

DATE: 17 February 1997

Charles J. Vacanti

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
MAX JEAN-GILLES, M.D.

STATEMENT
OF
CHARGES

MAX JEAN-GILLES, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 30, 1996 by the issuance of license number 165341 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. From on or about February 1995 through on or about October 1995, Respondent employed Dr. Gerard Louis-Jacques, who was not licensed to practice medicine in New York, as a physician and allowed him to practice at his two offices: Parkside Medical Associates, 160 Parkside Avenue, Brooklyn, N.Y. and Hillside Medical Associates, 187-02 Hillside Avenue, Queens, N.Y.
- B. Petitioner repeats and realleges the facts in paragraph A above and adds the following: During the period from on or about February 1995 through on or about October 1995, Respondent pre-signed blank prescriptions and failed to adequately safeguard them from use by Dr. Gerard Louis-Jacques, who wrote prescriptions for patients on Respondent's pre-signed prescription pad.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

**PERMITTING AN UNLICENSED PERSON TO
PERFORM ACTIVITIES REQUIRING A LICENSE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(11)(McKinney Supp. 1997) by permitting, aiding or abetting an unlicensed person to perform activities requiring a license, as alleged in the facts of:

1. Paragraphs A and/or B.

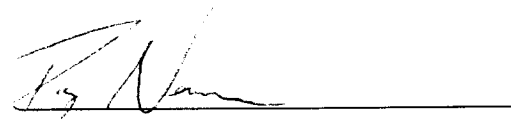
SECOND SPECIFICATION

**DELEGATING PROFESSIONAL RESPONSIBILITIES TO A
PERSON LICENSEE HAS REASON TO KNOW IS UNLICENSED**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(25)(McKinney Supp. 1997) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them, as alleged in the facts of:

2. Paragraphs A and/or B.

DATED: *January 9*, 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct