



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

April 12, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Phillip Mark Milgram, M.D.
NYS License No. 132354

Dear Mr. Bentley:

Attached is a copy of Commissioner's Order and Notice of Hearing summarily suspending Dr. Phillip Milgram's right to practice medicine in the State of New York. This Order was issued April 11, 2000 and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

**IN THE MATTER
OF
PHILLIP MARK MILGRAM, M.D.**

**COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING**

TO: PHILLIP MARK MILGRAM, M.D.
7616 Boca Raton Drive
Las Vegas, Nevada 89113

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that PHILLIP MARK MILGRAM, M.D. has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by PHILLIP MARK MILGRAM, M.D., the Respondent, constitutes imminent danger to the health of the people of this state.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, PHILLIP MARK MILGRAM, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401.

for Professional Medical Conduct on the 17th day of May, 2000 at 10:00 am in the forenoon at the Hedley Park Plaza, 5th Floor, 433 River Street, Troy, New York, 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical

documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE
BE REVOKED OR SUSPENDED, AND/OR THAT
YOU MAY BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-a. YOU ARE
URGED TO OBTAIN AN ATTORNEY IN THIS
MATTER.

DATED: Albany, New York
April 11, 2000


ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner

Inquiries should be directed to:

Robert Bogan
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Hedley Park Place
433 River Street
Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
PHILLIP MARK MILGRAM, M.D.

STATEMENT
OF
CHARGES

PHILLIP MARK MILGRAM, M.D., the Respondent, was authorized to practice medicine in New York state on September 16, 1977, by the issuance of license number 132354 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 15, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Stipulation"), by a Decision (hereinafter "California Decision"), accepted the Surrender of Respondent's Physicians and Surgeons Certificate and required him to pay \$7,500.00 costs, based on gross negligence, repeated acts of negligence, incompetence, failure to maintain accurate records, and excessive treatment.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);


3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine);
5. New York Education Law §6530(32) (record keeping); and/or
6. New York Education Law §6530(35) (excessive tests or treatment).

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by reason of having surrendered his license to practice medicine or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *Apr 11*, 2000
Albany, New York


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