

5-395



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE
(718) 246-3060,3061

195 Montague Street - Fourth Floor
Brooklyn, New York 11201

PUBLIC

May 9, 2005

M. Faith Ramazanoglu, Physician
a/k/a Mehmet Faith Ramazanoglu

REDACTED

Re: Application Restoration

Dear Dr. Ramazanoglu:

Enclosed please find the Commissioner's Order regarding Case No. CP-05-02 which is in reference to Calendar No. 21347. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,


DANIEL J. KELLEHER
Director of Investigations

Ba: [Redacted]

REDACTED
GUSTAVE MARTINE
Supervisor

DJK/GM/er

cc: F. Stanton Ackerman, Esq.
Ackerman, Wachs and Finton, P.C.
90 State Street - Suite 911
Albany, New York 12207

The
University of the
Education  State of New York
Department

IN THE MATTER

of the

Application of M. FATIH
RAMAZANOGLU a/k/a MEHMET
FATIH RAMAZANOGLU for
restoration of his license to practice
as a physician in the State of New
York.

Case No. CP-05-02

It appearing that the license of M. FATIH RAMAZANOGLU a/k/a MEHMET FATIH
RAMAZANOGLU, REDACTED, to practice as a physician in
the State of New York, was revoked by a Hearing Committee of the State Board for Professional
Medical Conduct, effective November 17, 1999, and he having petitioned the Board of Regents
for restoration of said license, and the Regents having given consideration to said petition, and
having agreed with and accepted the recommendations of the Peer Committee and the
Committee on the Professions, now, pursuant to action taken by the Board of Regents on March
15, 2005, it is hereby

ORDERED that the petition for restoration of License No. 170898, authorizing M.
FATIH RAMAZANOGLU a/k/a MEHMET FATIH RAMAZANOGLU to practice as a
physician in the State of New York, is denied, but that the Order of Revocation of his license be
stayed for 5 years, and said M. FATIH RAMAZANOGLU a/k/a MEHMET FATIH
RAMAZANOGLU be placed on probation for 5 years under the terms and conditions specified
by the Board of Regents, and that upon successful completion of the probationary period, his
license to practice as a physician in the State of New York shall be fully restored.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this 29th
day of April, 2005.

REDACTED

Commissioner of Education

Case No. CP-05-02

It appearing that the license of M. FATIH RAMAZANOGLU a/k/a MEHMET FATIH RAMAZANOGLU. REDACTED to practice as a physician in the State of New York, having been revoked by a Hearing Committee of the State Board for Professional Medical Conduct, effective November 17, 1999, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 15, 2005, it was

VOTED that the petition for restoration of License No. 170898, authorizing M. FATIH RAMAZANOGLU a/k/a MEHMET FATIH RAMAZANOGLU to practice as a physician in the State of New York, is denied, but that the Order of Revocation of his license be stayed for 5 years, and said M. FATIH RAMAZANOGLU a/k/a MEHMET FATIH RAMAZANOGLU be placed on probation for 5 years under the terms and conditions specified by the Board of Regents, and that upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.

Case number
CP-05-02
February 18, 2005

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: M. Fatih Ramazanoglu
a/k/a Mehmet Fatih Ramazanoglu

Attorney: F. Stanton Ackerman

M. Fatih Ramazanoglu, - REDACTED - petitioned for restoration of his physician license. The chronology of events is as follows:

- 07/03/87 Issued license number 170898 to practice as a physician in New York State.
- 07/26/99 Charged with professional misconduct by Department of Health.
- 11/08/99 Hearing Committee of Office of Professional Medical Conduct revoked physician license.
- 11/17/99 Effective date of revocation.
- 02/11/03 Submitted application for restoration of physician license.
- 06/22/04 Peer Committee restoration review.
- 11/26/04 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 01/20/05 Committee on the Professions restoration review.
- 02/18/05 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) On July 26, 1999, the Department of Health charged Dr. Ramazanoglu with professional misconduct based on his conviction of committing an act constituting a crime under federal law. Specifically, the Department alleged that Dr. Ramazanoglu pled guilty in United States

District Court for the Northern District of New York on January 26, 1999 to Conspiracy to Commit Mail Fraud and to Subscribing a False Income Tax Return. The charges indicated that he was sentenced to 18 months of imprisonment and three years of supervised release, and was ordered to pay a \$100 assessment, a \$22,000 fine, and \$44,992.23 in restitution. A Hearing Committee of the State Board for Professional Medical Conduct determined that he was guilty of the charge of professional misconduct and voted to revoke his license. The revocation was effective November 17, 1999.

Dr. Ramazanoglu submitted an application for restoration of his physician license on February 11, 2003.

Recommendation of the Peer Committee. (See attached "Report of the Peer Committee.") The Peer Committee (Herrman, Alfred, Vorhaus) met with Dr. Ramazanoglu on June 22, 2004 to review his application for restoration. In its report, dated November 26, 2004, the Committee voted unanimously to recommend that the order of revocation of his license be stayed and that he be placed on probation for five years under standard terms and conditions.

Recommendation of the Committee on the Professions. On January 20, 2005, the Committee on the Professions (Duncan-Poitier, Frey, Templeman) met with Dr. Ramazanoglu to review his application for restoration. F. Stanton Ackerman, his attorney, accompanied him. Dr. Ramazanoglu presented the Committee with documentation of 23 hours of continuing medical education he completed in 2003, 18.45 hours in 2004, and 3.5 hours in 2005.

The Committee asked Dr. Ramazanoglu to explain what led to the revocation of his license. He replied that he wanted to be upfront with the Committee and speak from the bottom of his heart. He said that although his "intention was not bad," he made big mistakes. He added that he was not trying to defend or justify what he did. Dr. Ramazanoglu indicated that he loved to help people and practiced in upstate New York in a rural, underserved area. He reported that he even provided free medical services to some of the people living on an Indian reservation. He said, "I just wanted compensation from the heart." In retrospect, Dr. Ramazanoglu told the Committee that he now realizes that he expanded his practice beyond his capacity and would often see 40 to 50 patients a day. He said that he needed additional funds to sustain the practice he had created but could get no financial help from banks. To create some additional funds he reported that he inflated the value of two pieces of x-ray equipment he was leasing from \$15,000 to \$25,000 so that he could secure \$20,000 for use in his practice. Dr. Ramazanoglu indicated that at the time it was not his intention to be dishonest but, rather, to get through a difficult time. Because of what he did, Dr. Ramazanoglu reported that he was convicted for not reporting the correct income on his tax returns and for mail fraud since the equipment leases went through the mail.

The Committee asked Dr. Ramazanoglu to comment on the letter from the Department of Health (DOH) opposing the restoration of his license. He replied that some comments were correct but he felt that they did not have the latest facts and

information. The Committee asked about DOH's comment that he never submitted a remedial plan to correct laboratory deficiencies noted by DOH in 1998 even though his failure to submit that plan did not result in any charges of professional misconduct. Dr. Ramazanoglu said that DOH came to his offices and pulled some charts. Subsequently, he reported that he received a letter outlining allegations to which they wanted his response. He said he had a meeting with DOH and went over the allegations one-by-one and he believed that the concerns regarding laboratory procedures were settled during the meeting. He indicated that he did not respond to DOH in writing as he was going through the federal investigation concerning his tax returns at the time and everything was in chaos. Dr. Ramazanoglu said that he closed his office in April 1998 because he was afraid of "hurting someone" in his stressful state. He reported that it was at this time that he fled the United States. He said that he arranged for his office to be open another three months so that his employees could notify patients to obtain their records. He said that he went to Germany and then to Turkey and then returned to Germany where he was arrested and extradited to the United States.

The Committee asked Dr. Ramazanoglu why he felt it was necessary for him to flee the United States. He replied that when the authorities came into two of his medical offices with a search warrant, they had machine guns and vests. He said that it was like a nightmare as they kicked open doors, took every garbage bag, and "were abusive and rude to me and my office staff." He said that, at the time, he was frightened and not sure what they were looking for. Dr. Ramazanoglu reported that he hired a law firm and waited 18 months before the law firm assigned a junior attorney to handle his case. He indicated that the federal government, New York State Police, Attorney General's office, and local police were all involved and reported that his staff found them abusive. Dr. Ramazanoglu told the Committee, "Even my wife thought I had done something drastic." He reported that his wife and friends told him that the investigation had to be more than just taxes and one said, "They're going to kill you." He indicated that his new attorney also thought that the investigation involved more than just taxes or leasing and told him that there were no restrictions on his traveling if he had a passport. He reported that the bank put his house up for sale and that his wife felt it might be better if he left the country. He told the Committee that his daughter tried to commit suicide three times. Dr. Ramazanoglu said, "I was not in the right state of mind anymore." He reported that he returned to Germany after going to Turkey in April 1998 so that he could meet with his wife to find out what was happening. Upon his return to Germany the following month, he indicated that he was arrested, put in jail, and eventually extradited to the United States.

If his license were restored, Dr. Ramazanoglu said that he is not really certain what he would do. He indicated that he knows he doesn't want to become involved with multiple practices again and just wants to practice medicine. He said that he had no difficulty with the probationary terms recommended by the Peer Committee but was not clear on the reasons why the Committee recommended probation. Dr. Ramazanoglu said that after he had satisfied the court-mandated probationary term, he returned to Turkey for two years where he practiced medicine and currently is teaching anatomy and physiology in the United States. He told the Committee that he has not practiced

medicine for about 13 or 14 months and would like his license restored, as he prefers to live in the United States. He said, "I've been living with this pain for so many years." He indicated that losing his medical license was the saddest moment in his life. He said that he has learned from his mistakes and would never do anything to jeopardize losing his license again. He stated, "I will be a straight arrow."

The overarching concern in all restoration cases is public protection. Education Law §6511 gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a license to practice as a physician in New York State. 8NYCRR §24.7(2) charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee first meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so serious that it resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept, without question, the arguments presented by the petitioner but to weigh and evaluate all of the evidence submitted and to render a recommendation based upon the entire record.

The COP concurs with the Peer Committee that Dr. Ramazanoglu "feels genuine remorse for his actions." The COP found his responses to its questions to be straightforward and credible. He was able to articulate the root causes of his misconduct as he tried to finance his growing medical practice. The COP found Dr. Ramazanoglu to be sincere in his desire to help his patients and notes that he reported providing free medical care to residents of an Indian reservation. Letters of reference portray Dr. Ramazanoglu as a caring, competent physician. Although the Department of Health raised some concerns regarding his former practice, the COP notes that the record shows that none of the accusations concerning laboratory deficiencies were ever proven. While not condoning his behavior, the COP found his explanation for fleeing the country to be credible. He has paid all fines and restitution imposed by the court and fulfilled all conditions associated with his federal sentence. After completing his probation period, Dr. Ramazanoglu legally returned to Turkey and practiced medicine for two years in a supervisory position. The COP concurs with the Peer Committee that Dr. Ramazanoglu "could safely return to practice without further continuing medical education." Nonetheless, the COP agrees with the recommendation of the Peer Committee that "given his criminal conviction, and his absence from practice in the United States, we believe that the health and safety of the public would best be served if the applicant were to resume practice as a physician with a probationary period to start." The COP finds that Dr. Ramazanoglu presented a compelling case for the restoration of his license at this time.

Therefore, after a careful review of the record and its meeting with him, the Committee on the Profession's voted unanimously to concur with the recommendation of the Peer Committee that the order of revocation of Dr. Ramazanoglu's license to practice as a physician in New York State be stayed for five years, that he be placed on probation for five years under specified terms attached to the Report of the Peer Committee and labeled as Exhibit "A," and that upon satisfactory completion of the probationary period, his license be fully restored.

Johanna Duncan-Poitier, Chair

Joseph Frey

Leslie Templeman



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

MEHMET
FATIH
RAMAZANOGLU

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 21347

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

MEHMET FATIH RAMAZANOGLU, hereinafter known as the
applicant, was previously licensed to practice as a physician in
the State of New York by the New York State Education Department.
Said license was revoked by the Office of Professional Medical
Conduct, New York State Health Department (OPMC), as a result of
a professional misconduct proceeding

The applicant has applied for restoration of his license.

BACKGROUND INFORMATION

The written application, supporting papers provided by the
applicant and papers resulting from the investigation conducted
by the Office of Professional Discipline (OPD) have been compiled
by the prosecutor from OPD into a packet that has been

distributed to this Peer Committee in advance of its meeting and also provided to the applicant.

PRIOR DISCIPLINE PROCEEDINGS

Action by the State Board for Professional Medical Misconduct:

OPMC Hearing committee: On November 8, 1999 the OPMC hearing committee found the applicant guilty of one specification of professional misconduct. The hearing committee determined that the applicant's license to practice medicine in the State of New York be revoked.

Order of the OPMC Hearing Committee: On November 10, 1999, the order enforcing the penalty was served by certified mail, return receipt requested, upon the applicant, effective upon receipt or seven days after mailing.

Specifications of misconduct:

The applicant was found guilty of violating New York State Education Law §6530(9)(a)(ii) by reason of having been convicted of an act constituting a crime under federal law.

Nature of the misconduct:

On January 26, 1999, in the United States District Court, Northern District of New York, the applicant pled guilty to Conspiracy to Commit Mail Fraud, in violation of Title 18, United States Code §371, and to Subscribing a False Income Tax Return, in violation of Title 26, United States Code §7206(1)

APPLICATION FOR RESTORATION

On February 11, 2003, the applicant executed the State Education Department's standard form for applying for restoration of licensure. The application contained information and attachments as referred to below:

Entries in the basic application form:

Continuing Education

Attached to his application, the applicant submitted documentation of continuing medical education as follows:

2000	26.00 hours
2001	12.00 hours
2002	59.75 hours

Professional Rehabilitation Activities

Attached to his application, the applicant submitted a statement expressing his remorse over the acts that led to the loss of his license. In this statement he also described his experiences as a physician in Turkey following the revocation of his license, which included assisting in the accreditation of the Istanbul Memorial Hospital, and the establishment of an allergy and asthma clinic.

Submissions of Affidavits:

The applicant submitted six affidavits in support of his application, four of which were from fellow physicians.

Additional attachments to the application

The applicant submitted a statement in which he described previous investigations of his practice, all of which were closed without the commencement of charges.

The applicant also attached copies of media accounts of his

work as a physician in Turkey, and copies of journal articles he published while practicing in Turkey.

INVESTIGATIVE INFORMATION

The packet provided by OPD contains the following additional information from the investigation that resulted from the filing of the application for restoration:

October 1, 2003 report of the OPD investigator for this proceeding that includes a summary of an interview of the applicant by the investigator. The applicant discussed the matters which led to investigations of his practice, but which never resulted in formal charges. The applicant also discussed his feelings regarding the revocation of his license.

July 2, 2003 report of the OPD investigator for this proceeding which includes a summary of an interview of the applicant on July 2, 2003, and which is incorporated in the October 1, 2003 report described above.

June 20, 2003 letter from Dennis J. Graziano, Director, OPMC, stating his office's position on the current application. OPMC opposed the application, citing the applicant's failure to provide an explanation of his criminal actions in the petition he submitted. They also cited previous investigations of the applicant, and the fact that the applicant fled the United States in the face of the criminal charges for which he was convicted.

The applicant's counsel made a submission directly to Mr. Graziano dated May 5, 2004. In that submission the

applicant's counsel sought reconsideration of the OPMC position in opposition to the application. The applicant's counsel noted that no patient harm resulted from the applicant's prior misconduct, he recounted the applicant's activities in Turkey following the revocation of his license, and he asserted that the applicant has completed all terms associated with his conviction.

In a letter dated May 28, 2004, Mr. Graziano indicated that his office would not reverse its position.

PEER COMMITTEE MEETING

On June 22, 2004 this Peer Committee met to consider this matter. The applicant appeared before us personally and was represented by attorneys F. Stanton Ackerman, Esq., and Michelle Harrington, Esq. Also present was Karen Carlson, Esq., an attorney from the Division of Prosecutions, OPD.

The applicant first presented the testimony of four former patients of the applicant, who attested to his competency and skill as a physician.

The applicant then testified, first in narrative form. He began by expressing his remorse to the Peer Committee, and then described his work as a physician in Turkey following the revocation of his license in New York. This involved improvements at the Istanbul Memorial Hospital, and work in public health education. The applicant then detailed some of the continuing medical education he has engaged in since his return to the United States.

In response to a question from his counsel, the applicant explained his flight from the United States when confronted with the criminal charges that resulted in the revocation of his license. He stated that his family was suffering from the stress of the pending charges, and he thought he would be better off if he left. He admitted that this was not the correct thing to do.

One of the Peer Committee members asked the applicant to discuss the financial pressures that physicians are experiencing, and how it related to the applicant's conviction. The applicant responded by stating that he began his practice in a underserved area of the state, and felt a need to expand, but financed his expansion in the wrong way, through false representations as to the values of his equipment. He stated that his intention was not to cheat and steal, but to get through a difficult financial time. One of the Peer Committee members asked the applicant to discuss the investigation by the Health Department of certain aspects of his patient care, which did not result in any formal charges to the applicant. The applicant described this investigation, and explained that nothing happened as a result of it.

Ms. Carlson asked the applicant to explain the time frames of his sentencing and his appearance at the OPMC hearing. The applicant clarified this matter by stating that he was given credit, for sentencing purposes, for time spent in prison in Germany prior to his extradition, and therefore had completed his sentence at the time of the OPMC hearing in October 1999. He stated that his supervised probation ended in January 2001, and he

was able to travel to Turkey in June of 2001 to practice medicine in that country.

Ms. Carlson made reference to one of the letters in support submitted for the applicant, in which the author stated that he did not believe that the applicant committed a crime, but was framed. The applicant stated that he disagreed with this statement, and that he did not see what that individual wrote (before he submitted his letter).

The applicant admitted to Ms. Carlson that he did something wrong in filing a false tax return for three years. He stated that he had changed in that he had taken responsibility for his mistakes, and changed his criteria for choosing people from whom to receive advice.

When asked by Ms. Carlson how he would respond to the financial pressure of medical practice, the applicant stated that he would avoid the business aspects of practice, but rather find a situation where he would receive a salary and not be involved in meeting business expenses.

Ms. Carlson deferred to the Peer Committee on the question of restoration of the applicant's license, but asked that, if the license were to be restored, that a probationary term be considered.

RECOMMENDATION

We have reviewed the entire record in this matter, including the written materials received before our meeting. In arriving at our recommendation, we note that, in a licensure restoration proceeding, the burden is on the applicant to demonstrate that

which would compel the return of the license. Greenberg v. Board of Regents of University of New York, 176 A.D. 2d, 1168, 575 N.Y.S. 2d 608, 609. In reaching our recommendation, we consider whether the applicant demonstrates sufficient remorse, rehabilitation and reeducation. However, we are not necessarily limited to such formulaic criteria but may consider other factors, particularly the seriousness of the original offense and, ultimately, our judgment as to whether the health and safety of the public would be in jeopardy should the application be granted.

We note initially that the applicant was convicted of a serious felony involving submission of false income tax returns. Apparently the applicant overstated the value of certain medical equipment used in his practice on his tax returns for three years.

The applicant served his sentence and paid all fines and restitution associated with this conviction, and freely admitted to us that what he did was wrong. He acknowledged that the motive for his false submissions was a desire to finance his growing medical practice, and discussed with us the financial pressure associated with modern medical practice. We are convinced that his testimony before us was sincere, and that the applicant feels genuine remorse for his actions.

Prior to his conviction, and in the face of pending federal charges, the applicant fled the United States and resided for a time in Germany, where he was apprehended, imprisoned and ultimately extradited back to the United States. The applicant explained to us that he took this action in light of the emotional toll the pending charges were having on his family, including his

young children. He acknowledged that this was a mistake. We do not wish to minimize the significance of this behavior, but believe that it was taken into consideration by federal authorities in handling his conviction, and should not, in itself, bar the restoration of the applicant's license.

As to reeducation, we note that there have been no proven accusations regarding the applicant's patient care, or his competence as a physician. Although he has not practiced in the United States since the late 1990s, he engaged in a substantial medical practice in Turkey following his conviction. He has also maintained currency in the field through continuing medical education, and through his employment as a teacher of anatomy and physiology in New Jersey. Under these circumstances, we are convinced that he could safely return to practice without further continuing medical education.

Given the nature of the applicant's crime, and the fact that he has had no other involvement with the criminal justice system, we are also convinced that the applicant has undergone sufficient rehabilitation through his fulfillment of all the conditions associated with his federal sentence.

However, given his criminal conviction, and his absence from practice in the United States, we believe that the health and safety of the public would best be served if the applicant were to resume practice as a physician with a probationary period to start.

In conclusion therefore, it is our unanimous recommendation that execution of the revocation of the applicant's license to

practice as a physician in the State of New York be stayed, and that the applicant then be placed on probation for a period of five years under the terms and conditions of probation annexed hereto made a part hereof and marked as Exhibit "A." Upon successful completion of the probation, the applicant's license would be fully restored.

Respectfully submitted,

John C. Herrman, M.D., Chairperson,

Richard H. Alfred, M.D.,

Louis J. Vorhaus, M.D.

REDACTED

Chairperson/ Date:

11/26/2004

EXHIBIT "A"

TERMS OF PROBATION
OF THE PEER COMMITTEE

MEHMET FATIH RAMAZANOGLU

CALENDAR NO. 21347

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), 433 River Street - Suite 303, Troy, NY 12180-2299, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That applicant shall have quarterly performance reports submitted to the New York State Department of Health (DOH), addressed to the Director, Office of Professional Medical Conduct, as aforesaid, from his employer, evaluating his performance as a physician in his place of employment, said reports to be prepared by applicant's supervisor or employer;
4. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
5. That applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;

6. That applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;

7. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.