



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 8, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Samuel Rosati, M.D.
77 Elizabeth Drive
Lockport, NY 14096

RE: License No. 178799

Dear Dr. Rosati:

Enclosed please find Order #BPMC 99-160 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 8, 1999.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Joseph M. LaTona, Esq.
Lipsitz, Green, et. al.
42 Delaware Avenue, Suite 300
Buffalo, NY 14202-3857

Robert Bogan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
SAMUEL ROSATI, M.D. : BPMC #99-160

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SAMUEL ROSATI, M.D., says:

On or about July 3, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 178799 by the New York State Education Department. My address is 77 Elizabeth Drive, Lockport, NY 14096.

I understand that I have been charged with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.


I agree not to contest the specification set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

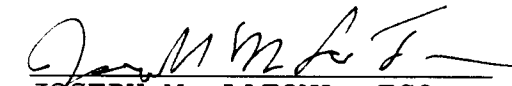
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Date: June 22, 1999



SAMUEL ROSATI, M.D.
Respondent

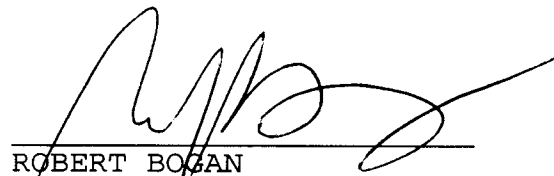
Date: June 22, 1999



JOSEPH M. LATONA, ESQ.
Attorney For Respondent

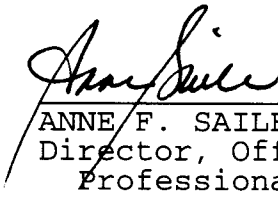
AGREED TO:

Date: 28 June, 1999



ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: June 28, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

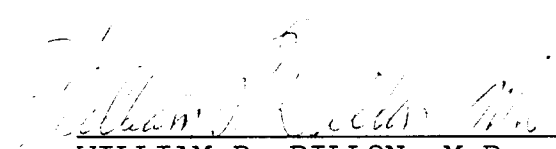
Upon the proposed agreement of SAMUEL ROSATI, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/1/79



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

EXHIBIT A

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

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IN THE MATTER : STATEMENT
OF : OF
SAMUEL ROSATI, M.D. : CHARGES

-----X

SAMUEL ROSATI, M.D., the Respondent, was authorized to practice medicine in New York state on July 3, 1989 by the issuance of license number 178799 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 27, 1999, in the United States District Court for the Western District of New York, the Respondent entered a plea of guilty and was found guilty of a violation of Title 18, United States Code, Section 287, (False Claims Against The United States), and Title 18, United States Code, Section 1347, (Health Care Fraud).

SPECIFICATION

Respondent is guilty of professional misconduct under New York State Education Law Section 6530 (9) (a) (ii) by reason of having been convicted of an act constituting a crime under federal law.

DATED: , 1999
Albany, New York

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