



**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

C. Maynard Guest, M.D.  
Executive Secretary

September 26, 1995

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Marie J. Vincent, M.D.  
112 Woodview Road  
West Hempstead, New York 11552

RE: License No. 137343

Effective Date: 10/03/95

Dear Dr. Vincent:

Enclosed please find Order #BPMC 95-219 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.

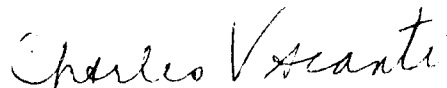
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 1245  
Albany, New York 12237

Sincerely,

A handwritten signature in black ink that reads "Charles Vacanti". The signature is written in a cursive style with a large initial "C".

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

Enclosure

cc: Judith A. Eisen, Esq.  
Messrs, Garfunkel, Wild & Travis, P.C.  
111 Great Neck Road  
Great Neck, New York 11021

David Smith, Esq.

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

IN THE MATTER  
OF  
MARIE J. VINCENT, M.D..

CONSENT  
ORDER  
BPMC #95-219

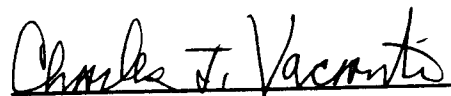
Upon the application of MARIE J. VINCENT, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 8 September 1995



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  
MARIE J. VINCENT, M.D.;

APPLICATION  
FOR  
CONSENT ORDER

STATE OF NEW YORK )  
COUNTY OF ) ss.:

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

In or about 1979, I was licensed to practice as a physician in the State of New York, having been issued License No. 137343 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with twenty-four 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, Ninth and Seventeenth Specifications, in full satisfaction of the charges against me.

I hereby agree to the following penalty:

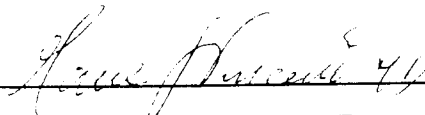
1. That I shall be subject to a Censure and Reprimand.
2. I shall provide five hundred (500) hours of community service to be performed within two (2) years from the date of the Order approving this Application ("Order") in a licensed health care facility to be approved by the Director of the Office of Professional Medical Conduct.
3. A fine of five thousand (\$5,000.00) dollars payable to the New York State Department of Health, Office of Professional Medical Conduct within ten (10) days of the date of the Order.

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.

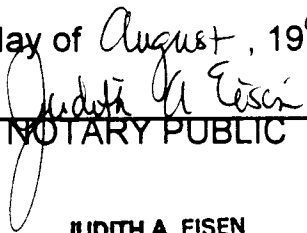
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

  
\_\_\_\_\_  
MARIE J. VINCENT, M.D.  
RESPONDENT

Sworn to before me this

*29th* day of *August*, 19*95*.

  
\_\_\_\_\_  
NOTARY PUBLIC

**JUDITH A. EISEN**  
**Notary Public, State of New York**  
**Reg. No. 4961353**  
**Qualified in Nassau County**  
**Commission Expires Feb. 5, 1996**

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

IN THE MATTER  
OF  
MARIE J. VINCENT, 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: 8/29/95 *Marie Vincent*  
MARIE J. VINCENT, M.D.  
Respondent

DATE: 8/29/95 *Judith Eisen, Esq.*  
JUDITH EISEN, ESQ.  
Attorney for Respondent

DATE: 8/30/95 *David W. Smith*  
DAVID W. SMITH  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: Sept. 6, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

DATE: 8 September 1995  
cv

Charles J. Vacanti

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



IN THE MATTER  
OF  
MARIE J. VINCENT, M.D.;

STATEMENT  
OF  
CHARGES

MARIE J. VINCENT, M.D., Respondent, was authorized to practice medicine in New York State in 1979, by the issuance of license number 137343 by the New York State Education Department.

FACTUAL ALLEGATIONS AS TO  
RESPONDENTS VINCENT AND I

- A. On or about August 30, 1989 and September 29, 1989, Patient A was treated by Dr. Vincent under the supervision of Respondent Vincent for back pain and other medical conditions at a Medicaid clinic located at 162 Throop Avenue, Brooklyn, New York.

1. Respondents failed to perform an adequate physical examination or note such physical, if any.
2. Respondents failed to obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately caused to be performed on Patient A serum electrophoresis and an immunoelectrophoresis.
4. Respondents inappropriately prescribed Dolobid for Patient A.
5. Patient A was diagnosed with elevated cholesterol but Respondents failed to follow-up such condition or note such follow-up, if any.
6. Although an electrocardiogram and pulmonary function tests were performed on Patient A, no interpretations were made of these tests or Respondents failed to note such interpretations, if any.

B. On or about September 8, 1989 and October 10, 1989, Patient B was treated by \_\_\_\_\_ under the supervision of Respondent Vincent for a rash and other medical conditions at a Medicaid clinic located at 162 Throop Avenue, Brooklyn, New York.

1. Respondents failed to perform an adequate physical examination or note such physical, if any.

2. Respondents failed to obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately caused to be performed on Patient B an echocardiogram, electrocardiogram, immunoelectrophoresis, carcinoembryonic antigen and vitamin levels on blood tests.
4. Respondents inappropriately prescribed Naprosyn for Patient B.
5. Respondents inappropriately diagnosed Patient B with peptic ulcer disease, chronic obstructive lung disease and arthralgia.

C. On or about March 9, 1990, Patient C was treated by  
under the supervision of Respondent Vincent for back pain and other medical conditions at a Medicaid clinic located at 162 Throop Avenue, Brooklyn, New York.

1. Respondents did not perform an adequate physical examination or note such examination, if any.
2. Respondents did not obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately prescribed Augmentin and Clinoril for Patient C.

4. Respondents inappropriately diagnosed Patient C with peptic ulcer disease, asthma and upper respiratory infection.
5. Respondents inappropriately caused to be performed on Patient C tests for a sed rate, vitamin levels, and a hemoglobin electrophoresis.

D. On or about March 8, 1990, Patient D was treated by  
under the supervision of Respondent Vincent for a rash and other  
medical conditions at a Medicaid clinic located at 297 Brook Avenue, Bronx,  
New York.

1. Respondents failed to perform an adequate physical examination or note such examination, if any.
2. Respondents did not obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately diagnosed Patient D with peptic ulcer disease, asthma, rash and urinary tract infection.
4. Respondents inappropriately prescribed Motrin, Vibramysin, Zantac, Carafate, and a Ventolin inhaler.

**FACTUAL ALLEGATIONS AS TO**  
**RESPONDENTS VINCENT**

E. On or about November 12, 1989, Patient E was treated by  
under the supervision of Respondent Vincent for asthma and other  
medical conditions at a Medicaid clinic located at 247 Brook Avenue, Bronx,  
New York.

1. Respondents failed to obtain an adequate medical history or note such history, if any.
2. Respondents inappropriately caused an audiogram to be performed on Patient E.
3. Respondents inappropriately prescribed Clinoril and Dilobid.

F. On or about November 25, 1989, Patient F was treated by  
under the supervision of Respondent Vincent for asthma and other  
medical conditions at a Medicaid clinic located at 247 Brook Avenue, Bronx,  
New York.

1. Respondents failed to perform an adequate physical examination or note such examination, if any.
2. Respondents did not obtain an adequate medical history or note such history, if any.

3. Respondents inappropriately caused to be performed on Patient F an audiogram and EKG.
4. Respondents inappropriately diagnosed Patient F with peptic ulcer disease, chronic obstructive lung disease, back pain and upper respiratory infection.
5. Respondents inappropriately prescribed Zantac, Isuprel, Ventolin inhaler, Naprosyn and Seldane.

G. On or about January 29, 1990, Patient G was treated by  
under the supervision of Respondent Vincent for back pain and other medical conditions at a Medicaid clinic at 247 Brook Avenue, Bronx, New York.

1. Respondents failed to perform an adequate physical examination or note such examination, if any.
2. Respondents failed to obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately caused to be performed on Patient G an audiogram, hemoglobin electrophoresis and blood vitamin levels.

4. Respondents inappropriately prescribed Naprosyn and Seldane for Patient G.
5. Respondents inappropriately diagnosed Patient G with back pain, peptic ulcer disease, chronic obstructive lung disease and upper respiratory infection.

H. On or about December 10, 1989, Patient H was treated by  
under the supervision of Respondent Vincent for rash and other medical conditions at a Medicaid clinic at 247 Brook Avenue, Bronx, New York.

1. Respondents failed to perform an adequate physical examination or note such examination, if any.
2. Respondents failed to obtain an adequate medical history or note such history, if any.
3. Respondents inappropriately diagnosed Patient H with back pain, peptic ulcer disease, chronic obstructive lung disease and skin rash.
4. Respondents inappropriately prescribed Seldane, Zantac, Proventil, Naprosyn and Lotrisone.
5. Respondents inappropriately caused an audiogram to be performed on Patient H.

**FACTUAL ALLEGATIONS AS TO RESPONDENT**

**ONLY**

- i. On or about December 29, 1989, Patient I was treated by  
for asthma and other medical conditions at a Medicaid clinic at 355  
East 149th Street, Bronx, New York.
1. Respondent failed to perform an adequate physical examination or note such examination, if any.
  2. Respondent failed to obtain an adequate medical history or note such history, if any.
  3. Respondent inappropriately caused to be performed on Patient I an audiogram, sonogram, spirometry test and an electrocardiogram, a sed rate, hepatitis profile and Vitamin B12 level on blood tests
  4. Patient I complained of urinary burning and frequency, but Respondent failed to appropriately follow-up or treat such condition or note such follow-up, if any.
  5. Respondent inappropriately diagnosed Patient I with asthma, peptic ulcer disease, back pain and urinary tract infection.



J. On or about December 21, 1989, and March 1, 1990, Patient J was treated by  
for asthma and other medical conditions at a  
Medicaid clinic at 2838 3rd Avenue, Bronx, New York.

1. Respondent failed to perform an adequate physical examination or note such examination, if any.
2. Respondent failed to obtain an adequate medical history or note such history, if any.
3. Respondent inappropriately caused to be performed on Patient J an ultra-sound, audiogram, electrocardiogram, hemoglobin electrophoresis, sonogram, Vitamin B12 level carcinoembryonic antigen and hepatitis profile.

**FACTUAL ALLEGATIONS AS TO RESPONDENT .....**

K. On or about December 26, 1989, Patient K was treated by  
: for rash and other medical conditions at a Medicaid clinic at 297  
Brook Avenue, Bronx, New York.

1. Respondent failed to perform an adequate physical examination or note such examination, if any.
2. Respondent failed to obtain an adequate medical history or note such history, if any.

3. Respondent inappropriately prescribed Zantac, Ventolin inhaler, Clinoril, Seldane and Lotrisone for Patient K.
4. Respondent inappropriately caused to be performed on Patient K an audiogram, liver and renal sonograms and a series of blood tests including, without limitation, B12 and folic acid, hepatitis profile and electrophoresis.
5. Respondent inappropriately diagnosed Patient K with peptic ulcer disease, chronic obstructive lung disease, upper respiratory infection and back pain.

L. On or about December 5, 1989, Patient L was treated by I \_\_\_\_\_  
for skin rash and other medical conditions at a Medicaid clinic at  
297 Brook Avenue, Bronx, New York.

1. Respondent failed to perform an adequate physical examination or note such examination, if any.
2. Respondent failed to obtain an adequate medical history or note such history, if any.
3. Respondent inappropriately diagnosed Patient L. with peptic ulcer disease, chronic obstructive lung disease, upper respiratory infection and back pain.

4. Respondent inappropriately prescribed Zantac, Ventolin inhaler, Dolobid, Benadryl and Lotrisone.
5. Respondent inappropriately caused to be performed on Patient L an audiogram, electrocardiogram, renal and liver sonograms.
6. An electrocardiogram was taken which showed an abnormal reading, but Respondent failed to follow-up or treat such condition or note such follow-up or treatment, if any.

**SPECIFICATIONS AS TO MARIE J. VINCENT, M.D.****FIRST SPECIFICATION****NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent Vincent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995). Specifically, Petitioner charges:

1. The facts in Paragraphs A and A1, 2, 4-6; B and B1, 2, 4,5; C and C1-4; D and D1-4; E and E1, 3; F and F1, 2, 4, 5; G and G1, 2, 4, 5; and/or H and H1-4.

**SECOND THROUGH EIGHTH SPECIFICATIONS****ORDERING OR EXCESSIVE TESTS**

Respondent Vincent is charged with the ordering of excessive tests or treatments within the meaning of N.Y. Educ. Law §6530(35) (McKinney Supp. 1995). Specifically, Petitioner charges:

2. The facts in Paragraphs A and A3.
3. The facts in Paragraphs B and B3.
4. The facts in Paragraphs C and C5
5. The facts in Paragraphs E and E2.
6. The facts in Paragraphs F and F3.
7. The facts in Paragraphs G and G3.
8. The facts in Paragraphs H and H5.

**NINTH THROUGH SIXTEENTH SPECIFICATIONS****FAILURE TO MAINTAIN A RECORD**

Respondent Vincent is charged with failure to maintain a record for each patient which accurately reflects the evaluation and treatment of such patient within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1995). Specifically, Petitioner charges:

9. The facts in Paragraphs A and A1, 2, 5, 6.
10. The facts in Paragraphs B and B1-2.
11. The facts in Paragraphs C and C1-2.
12. The facts in Paragraphs D and D1-2.
13. The facts in Paragraphs E and E1-2.
14. The facts in Paragraphs F and F1-2.
15. The facts in Paragraphs G and G1-2.
16. The facts in Paragraphs H and H1-2.

**SEVENTEENTH THROUGH TWENTY-FOURTH SPECIFICATIONS****FAILURE TO SUPERVISE**

Respondent is charged with failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee within the meaning of N.Y. Educ. Law §6530(33) (McKinney Supp. 1995). Specifically, Petitioner charges:

17. The facts in Paragraphs A and A1-6.

18. The facts in Paragraphs B and B1-5.
19. The facts in Paragraphs C and C1-5.
20. The facts in Paragraphs D and D1-4.
21. The facts in Paragraphs E and E1-3.
22. The facts in Paragraphs F and F1-5.
23. The facts in Paragraphs G and G1-5.
24. The facts in Paragraphs H and H1-5.

### **SPECIFICATIONS AS TO RESPONDENT**

#### **TWENTY-FIFTH SPECIFICATION**

##### **NEGLIGENCE ON MORE THAN ONE OCCASION**

is charged with practicing the profession with negligence on more than one occasion with the meaning of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995), Specifically, Petitioner charges:

25. The facts in Paragraphs A and A1, 2, 4-6; B and B1, 2, 4,5; C and C1-4; D and D1-4; I and I1, 2, 4; and/or J and J1-2.

#### **TWENTY-SIXTH THROUGH THIRTIETH SPECIFICATIONS**

##### **ORDERING OF EXCESSIVE TESTS**

is charged with the ordering of excessive tests or treatments within the meaning of N.Y. Educ. Law §6530(35) (McKinney Supp. 1995). Specifically, Petitioner charges:

26. The facts in Paragraphs A and A3.
27. The facts in Paragraphs B and B3.
28. The facts in Paragraphs C and C5.
29. The facts in Paragraphs I and I3.
30. The facts in Paragraphs J and J3.

### **THIRTY-FIRST THROUGH THIRTY-SIXTH SPECIFICATIONS**

#### **FAILURE TO MAINTAIN A RECORD**

is charged with failure to maintain a record for each patient which accurately reflects the evaluation and treatment of such patient within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1995). Specifically, Petitioner charges:

31. The facts in Paragraphs A and A1, 2, 5, 6.
32. The facts in Paragraphs B and B1-2.
33. The facts in Paragraphs C and C1-2.
34. The facts in Paragraphs D and D1-2.
35. The facts in Paragraphs I and I1-2.
36. The facts in Paragraphs J and J1-2.

SPECIFICATIONS AS TO RESPONDENT

ONLY

THIRTY-SEVENTH SPECIFICATION

GENE ON MORE THAN ONE OCCASION

is charged with practicing the profession with negligence on more than one occasion with the meaning of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995). Specifically, Petitioner charges:

- 37. The facts in Paragraphs E and E1, 3; F and F1 2, 4,5; G and G1, 2, 4, 5; H and H1-4; K and K1-3, 5; and/or L and L1-5.

THIRTY-EIGHTH THROUGH FORTY-THIRD SPECIFICATIONS

ORDERING OF EXCESSIVE TESTS

is charged with the ordering of excessive tests or treatments within the meaning of N.Y. Educ. Law §6530(35) (McKinney Supp. 1995). Specifically, Petitioner charges:

- 38. The facts in Paragraphs E and E2.
- 39. The facts in Paragraphs F and F3.
- 40. The facts in Paragraphs G and G3.
- 41. The facts in Paragraphs H and H5.
- 42. The facts in Paragraphs K and K4.



43. The facts in Paragraphs L and L5.

**FORTY-THIRD THROUGH FORTY-NINTH SPECIFICATIONS**

**FAILURE TO MAINTAIN A RECORD**

is charged with failure to maintain a record for each patient which accurately reflects the evaluation and treatment of such patient within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1995).

Specifically, Petitioner charges:

- 44. The facts in Paragraphs E and E1-2.
- 45. The facts in Paragraphs F and F1-2.
- 46. The facts in Paragraphs G and G1-2.
- 47. The facts in Paragraphs H and H1-2.
- 48. The facts in Paragraphs K and K1-2.
- 49. The facts in Paragraphs L and L1-2.

DATED: June 1995  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct