



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
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Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

December 1, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Todd Jude Yancey, M.D.
30 West 63rd Street, #7D
New York, NY 10023

RE: License No. 176269

Dear Dr. Yancey:

Enclosed please find Order #BPMC 00-328 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 1, 2000.

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: Alfred U. Pavlis
Gage and Pablis
120 W. 45th Street, 36th Floor
New York, NY 10036

Roy Nemerson, Esq.

NOV-09-2000 23:49

NYS HEALTH DEPT DLA NYC

212 268 6733 P.02/11

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

IN THE MATTER
OF
TODD JUDE YANCEY, M.D.

Consent
Order of License Limitation
and
Complete Restriction from
Practice of Medicine
BPMC #00-328


Upon the proposed agreement of Todd Jude Yancey, M.D. (Respondent) for a Consent Order of License Limitation and Complete Restriction from Practice of Medicine, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 11/28/00


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

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NYS HEALTH DEPT DLA NYC

212 268 6735 P.03/11

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

IN THE MATTER
OF
TODD JUDE YANCEY, M.D.

Consent Agreement
and
Order of License
Limitation and
Complete Restriction
from Practice of
Medicine

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

Todd Jude Yancey, M.D., (Respondent) being duly sworn, deposes and says:

That on or about September 21, 1988, I was licensed to practice as a physician in the State of New York, having been issued License No. 176289 by the New York State Education Department.

My current address is 30 West 63rd St #7D NY, NY 10023

_____ 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 one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me. I hereby agree to the following penalty:

AY

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NYS HEALTH DEPT DLA NYC

212 268 6735 P.04/11

ALTERNATIVE DISPUTE RESOLUTION

My license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude any practice of medicine as defined in section 6521 of the N.Y. Education Law. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury deformity, or physical condition.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

- That Respondent shall, within 30 days of the issuance of the Order of Conditions, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and
- That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of

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NYS HEALTH DEPT DLR NYC

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Respondent's compliance with the terms of this Order. Upon reasonable notice, Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC, and shall, during January of every year, submit to the Director of OPMC signed, notarized written statements setting forth whether or not Respondent has complied during the prior year with all conditions imposed by the Order of Conditions.

- Respondent shall comply with all conditions set forth in Exhibit "B" ("Guidelines for Closing a Medical Practice") which is attached.

These conditions shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my license. I hereby stipulate that any substantial and intentional failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §8530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

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NYS HEALTH DEPT DLA NYC

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ALTERNATIVE DISPUTE RESOLUTION

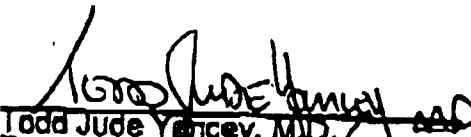
continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. I 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. I agree that while I may, in the future, request that the Department enter into a further Consent Order pursuant to 10 NYCRR 51.10, modifying the terms of this agreement, the Department shall have the sole reasonable discretion to grant or deny such requests, and such decision shall not be reviewable. Any denial shall not preclude subsequent requests of a similar nature.

DATED Nov. 10th / 2000

Sworn to before me
on this 10 day of
2000


Todd Jude Yancey, M.D.
Respondent


NOTARY

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 11/15/2000


ALFRED PAVLIS, ESQ.
Attorney for Respondent

DATE: 11/15/2000


ROY NEMERSON
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: November 20, 2000


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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NYS HEALTH DEPT DLR NYC

212 268 6735 P.09/11

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

IN THE MATTER
OF
TODD JUDE YANCEY, M.D.

STATEMENT
OF
CHARGES

TODD JUDE YANCEY, M.D., the Respondent, was authorized to practice medicine in New York State in or about 1988, by the issuance of license number 178269 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between 1997 and 2000, Respondent engaged in inappropriate conduct with four patients (identified in Appendix "A") for other than a proper medical purpose.

SPECIFICATION OF CHARGES

WILLFUL PATIENT HARASSMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §8530(31)(McKinney Supp. 2000) by willfully physically and/or verbally harassing four patient, as alleged in the facts of:

1. Paragraph A.

EXHIBIT "A"

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ALFRED E. SARANTO, JR.



DATED: November , 2000
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

TOTAL P.12

EXHIBIT "B"**GUIDELINES FOR CLOSING A MEDICAL PRACTICE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order and from representing himself as being authorized to practice medicine, but may represent that he is the holder of an inactive medical license.
2. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
3. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
4. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
5. Respondent shall not, in any arrangement which would violate the proscriptions against fee splitting set forth in sections 6530(19) and 6531 of the New York Education Law if Respondent were a nonlicensee, charge, receive or share any fee or distribution of dividends for professional medical services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.
6. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the such ^{such} professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.
7. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.