



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair

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

July 23, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Frank Zizza, M.D.
403 East 62nd Street
New York, New York 10021

RE: License No. 097709

Dear Dr. Zizza:

Enclosed please find Order #BPMC 98-148 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 23, 1998.**

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
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: Alan Lambert, Esq.
Law Offices of Lifshutz,
Associates, P.C.
675 Third Avenue
New York, New York 10017

Steve Fondulis, Esq.

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

IN THE MATTER
OF
FRANK ZIZZA, M.D.

SURRENDER
OF
LICENSE

BPMC# 98-148

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

Frank Zizza, M.D., being duly sworn, deposes and says:

On or about September 26, 1966, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 097709 by the New York State Education Department.

My current address is ^{403 East 62 Street #3} ~~680 West End Ave.~~, New York, N.Y. ^{10021 #3} ~~10023~~, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with ten (10) specifications 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 permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations of misconduct referred to in the First Specification, Negligence On More Than One Occasion, as to Paragraphs A, A(1), B, B(1), C, and C(1), in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

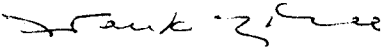
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against 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 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 grants my application, an 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 such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender 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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED June 11, 1998



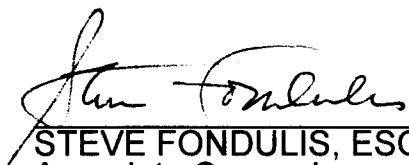
FRANK ZIZZA, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 6/11/98


ALAN LAMBERT, ESQ.
Attorney for Respondent

Date: July 14, 1998


STEVE FONDULIS, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: July 16 1998


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
FRANK ZIZZA, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Frank Zizza, M.D. (Respondent) 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 application 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 the Surrender 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: 7/21/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
FRANK ZIZZA , M.D.

STATEMENT
OF
CHARGES

Frank Zizza , M.D., the Respondent, was authorized to practice medicine in New York State on or about September 26, 1966, by the issuance of license number 097709 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 16, 1993, Respondent issued pathology report Lab# FS-93-13 under the heading-" Frank Zizza, M.D.-Pathologist, 654 Gramatan Avenue, Mount Vernon, N.Y. 10552 ", regarding five (5) specimen, purportedly from Patient A, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition (The names of patients are contained in the attached appendix). Respondent reported a diagnosis of " Nasal tissue, portion of.

Chronic rhinitis (turbinate) and ethmoiditis

Status operative correction of internal nasal deformity.

lipoma, face (zygomatic area).

Cicatrix, skin. "

1. Respondent failed to perform or to order histological examination of the specimen.
2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead .

B. On or about February 8, 1993, Respondent issued pathology report Lab# FS-93-35 under the heading-" Frank Zizza, M.D. Pathologist, 7 West 96th Street, New York, N.Y. 10025", regarding six (6) specimen, purportedly from Patient B, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of " Nasal tissue, portion of. Chronic rhinitis (turbinate) and ethmoiditis.
Status operative correction of internal nasal deformity.
Lipoma, submental, right and left knees (three)."

1. Respondent failed to perform or to order histological examination of the specimen.

2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.
- C. On or about August 28, 1993, Respondent issued pathology report Lab# FS-93-180 under the heading-" Frank Zizza, M.D.-Pathologist, 654 Gramatan Avenue, Mount Vernon, NY 10552 ", regarding four (4) specimen, purportedly from Patient C, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of " Nasal tissue, portion of.
- Chronic rhinitis (turbinate) and ethmoiditis
- Status operative correction of internal nasal deformity
- Lipoma, submental. "
1. Respondent failed to perform or to order histological examination of the specimen.
 2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.
- D. On or about April 8, 1994, Respondent issued pathology report Lab# FS-

94-70 under the heading-" Frank Zizza, M.D.-Pathologist, 7 West 96th Street, New York, NY 10025, (212) 662-3349 ", regarding five (5) specimen, purportedly from Patient D , that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of " Nasal tissue, portion of.

Chronic rhinitis (turbinate) and ethmoiditis. Status operative correction of internal nasal deformity. Lipoma , of submentum and face (zygomatic area)."

1. Respondent failed to perform or to order histological examination of the specimen.
2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.

E. On or about July 30, 1994, Respondent issued pathology report Lab# FS-94-129 under the heading-" Frank Zizza, M.D.-Pathologist, 7 West 96th Street, New York,N.Y. 10025, (212) 662-3349 ", regarding four (4) specimen, purportedly from Patient E, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health

condition. Respondent reported a diagnosis of "Nasal deformity, portion of. Chronic rhinitis (turbinate) and ethmoiditis.

Status operative correction of internal nasal deformity

Lipoma, of face (zygomatic area). "

1. Respondent failed to perform or to order histological examination of the specimen.
2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.

F. On or about November 3, 1994, Respondent issued pathology report Lab# FS-94-182 under the heading- " Frank Zizza, M.D., Pathologist, 7 West 96th Street, New York, N.Y. 10025, (212) 662-3349 ", regarding four (4) specimen, purportedly from Patient F, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of " Nasal tissue, portion of.

Chronic rhinitis (turbinate) and ethmoiditis.

Status operative correction of internal nasal deformity.

Lipoma, of scalp."

1. Respondent failed to perform or to order histological examination of

the specimen.

2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.

G. On or about August 11, 1992, Respondent issued pathology report Lab# FS-92-181 under the heading- " Frank Zizza, M.D. , Pathologist, 654 Gramatan Avenue, Mount Vernon, N.Y. 10552", regarding three (3) specimen, purportedly from Patient G, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of "

Lipoma, Anterior Abdominal Wall. Hernia Sac,
Ventral. Lipoma, Left Knee."

1. Respondent failed to perform or to order histological examination of the specimen.
2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.

H. On or about June 17, 1994, Respondent issued pathology report Lab# FS-94-98 under the heading-" Frank Zizza, M.D., Pathologist, 7 West 96th

Street, New York, N.Y. 10025, (212) 662-3349", regarding three (3) specimen, purportedly from Patient G, that he had accepted for laboratory examination for the purpose of obtaining information for the diagnosis, prevention, or treatment of a disease or the assessment of a health condition. Respondent reported a diagnosis of " Nasal tissue, portion of. Chronic rhinitis (turbinate) and ethmoiditis.

Status operative correction of internal nasal deformity".

1. Respondent failed to perform or to order histological examination of the specimen.
2. Respondent reported said diagnosis knowing that he lacked a good faith factual basis for so reporting, and did so with intent to mislead.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A , A(1) , B, B(1), C, C(1), D, D(1), E, E(1) , F, F(1), G, G(1), H, and H(1).

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1998) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A, A(1) , B, B(1), C, C(1), D, D(1), E, E(1), F, F(1)

, G, G(1), H, and H(1).

THIRD THROUGH TENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraphs A, A(1) through A(2).
4. Paragraphs B, B(1) through B(2).
5. Paragraphs C, C(1) through C(2).
6. Paragraphs D, D(1) through D(2).
7. Paragraphs E, E(1) through E(2).
8. Paragraphs F, F(1) through F(2).
9. Paragraphs G, G(1) through G(2).
10. Paragraphs H, H(1) through H(2).

DATED: April 27, 1998
New York, New York

ROY NEMERSON, ESQ.
Deputy Counsel
Bureau of Professional
Medical Conduct