

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

IN THE MATTER
OF
AESCULAPEUS MEDICAL GROUP, L.L.P.

CONSENT
AGREEMENT
AND
ORDER BPMC No. 01-331

The Respondent, Aesculapues Medical Group, L.L.P., says:

The Respondent is a registered limited liability partnership duly authorized to practice medicine in the State of New York pursuant to Article 8-B of the New York Partnership Law.

The New York Department of State filed the Respondent's certificate of registration on March 18, 1997.

The address of the principal office of the Respondent is 176 North Village Avenue, Rockville Centre, New York 11570.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 121-1500(m) of the Partnership Law.

The Respondent is applying to the State Board for Professional Medical Conduct for a Consent Agreement and Order imposing a penalty, pursuant to Section 230-a of the Public Health Law and Section 121-1500(m) of the Partnership Law, of revocation of its certificate of registration such that the revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of registration, and the Respondent requests that the Board issue this Consent Agreement and Order.

The Respondent acknowledges that it has been charged with professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the First Specification of the Statement of Charges in full satisfaction of all charges.

The Respondent agrees that, in the event the State Board for Professional Medical Conduct agrees with its proposal, this Consent Agreement and Order shall be issued revoking its certificate of registration. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, and this Consent Agreement and Order shall be deemed automatically to be the final and operative

document revoking the Respondent's certificate of registration. The Respondent agrees, notwithstanding the above, nothing herein shall be construed to absolve the Respondent in any way from paying to the Departments of State, Education, and Taxation and Finance any outstanding taxes, fines and penalties.

In addition, the Respondent agrees that this Consent Agreement and Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Consent Agreement and Order to it in care of Mitchell Grant Siller, M.D., 3408 Fulton Avenue, Oceanside, NY 11572, or to its attorney, or upon transmission via facsimile to it or its attorney, whichever is earliest.

The Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Consent Agreement and Order by providing written responses, attending meetings or providing documentation concerning verification of its compliance with the terms of this Consent Agreement and Order.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

The Respondent acknowledges 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 it or construed to be an admission of any act of misconduct alleged or charged against it, such proposed agreement shall not be used against it 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.

The Respondent is making this application of its own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to it of the acceptance by the Board of this application allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives any right it may have to contest, whether administratively or judicially, the Consent Agreement and Order issued hereunder for which it hereby applies and the respondent asks that the application be granted.

The Respondent is making this application through its partner, Mitchell Grant Siller, M.D., and the Respondent and Mitchell Grant Siller, M.D., warrant that he has the necessary authority to enter into this Consent Agreement and Order on behalf of the Respondent and to consent on behalf of the Respondent to the revocation of the Respondent's certificate of registration.

Date: _____, 2001

Aesculapeus Medical Group, L.L.P.

By:


Mitchell Grant Siller, M.D.
Partner

State of *New York*)

ss.:

County of *Nassau*)

On the 7th day of Dec 2001, before me personally came Mitchell Grant Siller, M.D., who being by me duly sworn, did depose and say that he resides at 3408 Fulton Avenue, Oceanside, NY 11572; that he is a Partner of the Respondent, the registered limited liability partnership described in and which executed the above instrument; and that he signed his name thereto by order of the Respondent.

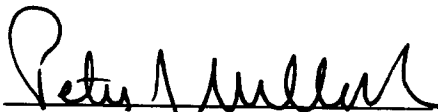


Notary Public

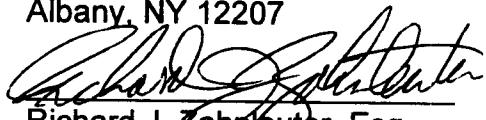
SMITA GANDHI
Notary Public, State of New York
No. 30-4748475
Qualified in Nassau County
Commission Expires July 31, 2005

AGREED TO:

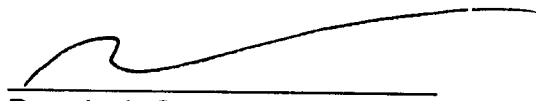
Date: December 10, 2001


Peter J. Millock, Esq.
Attorney for Respondent
Nixon Peabody LLP
Omni Plaza
30 South Pearl Street
Albany, NY 12207

Date: December 10, 2001


Richard J. Zahnleuter, Esq.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: December 20, 2001



Dennis J. Graziano
Director, Office of
Professional Medical Conduct

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

IN THE MATTER
OF
ORDER
AESCULAPEUS MEDICAL GROUP, L.L.P.

Upon the proposed Consent Agreement and Order of Aesculaepus Medical Group, L.L.P., 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 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 the Respondent's attorney at the address set forth in this agreement or upon transmission via facsimile to the Respondent in care of Mitchell Grant Siller, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: 12/20/01

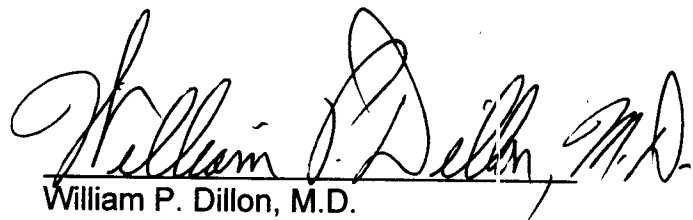

William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

STATE BOARD FOR
PROFESSIONAL
MEDICAL CONDUCT

OF
AESCULAPEUS MEDICAL GROUP, L.L.P.

STATEMENT
OF
CHARGES

The Respondent is a registered limited liability partnership duly authorized to practice medicine in the State of New York pursuant to Article 8-B of the New York Partnership Law.

The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 121-1500(m) of the Partnership Law.

ALLEGATIONS

A. A registered limited liability partnership may be organized by one or more individuals who are authorized by law to render the same professional service, pursuant to Section 121-1500(a), (n) and (q) of the Partnership Law.

B. On March 1, 1997, Mitchell Grant Siller, M.D., caused to be filed with the New York State Department of State a certificate of registration for the Respondent.

C. Dr. Siller was the physician who, in compliance with Section 121-1500(a), (n) and (q) of the Partnership Law, was one of the partners of the Respondent.

D. In a Determination and Order, dated January 3, 2001, effective upon receipt by Dr. Siller or seven days after mailing, the Administrative Review Board for Professional Medical Conduct limited Dr. Siller's New York license "to prohibit his private practice and to restrict his practice to a medical facility holding a government issued operating certificate (such as a certificate pursuant to Public Health Law Article 28) or operated by a state or federal agency (such as the United States Veteran's Administration)," rendering him not duly authorized by law to practice medicine in New York and disqualifying him as a partner of the Respondent pursuant to Section 121-1500(a), (n) and (q) of the Partnership Law.

E. Rather than to withdraw the certificate of registration pursuant to Section 121-1500(f) of the Partnership Law, the Respondent allowed the status quo to remain in effect and, therefor, willfully failed to comply with the partner licensure requirements set forth in Section 121-1500(a), (n) and (q) of the Partnership Law.


SPECIFICATION OF CHARGES

FIRST SPECIFICATION

The Respondent is charged with professional misconduct by reason of a WILLFUL FAILURE TO COMPLY WITH SUBSTANTIAL PROVISIONS OF STATE LAWS GOVERNING THE PRACTICE OF MEDICINE, in violation of New York Education Law §6530(16), in that Petitioner charges:

1. The factual allegations in paragraphs A, B, C, D, and/or E.

DATED: *December 13*, 2001
Albany, New York


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