



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

June 15, 2017

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Alan Brody, M.D.  

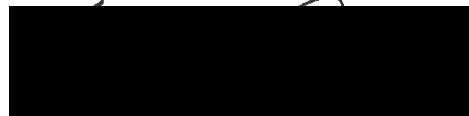

Re: License No. 139695

Dear Dr. Brody:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 17-168. This order and any penalty provided therein goes into effect June 22, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

IN THE MATTER  
OF  
ALAN BRODY, M.D.

MODIFICATION  
ORDER

Upon the proposed Application for a Modification Order of ALAN BRODY, M.D. (Respondent), which is made a part of this Modification Order, it is agreed to and ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 6/15/2017

  
Carmela Torrelli  
Vice Chair  
State Board for Professional Medical Conduct

1

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

**IN THE MATTER  
OF  
ALAN BRODY, M.D.**

**MODIFICATION  
AGREEMENT  
AND  
ORDER**

ALAN BRODY, M.D., represents that all the following statements are true:

That on or about September 21, 1979, I was licensed to practice as a physician in the State of New York, and issued License No. 139695 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC Order # 94-209, which went into effect on October 18, 1994, and BPMC Order # 02-176, which went into effect on May 23, 2002. (BPMC Order # 94-209 and BPMC Order # 02-176 are attached as Attachment I, and henceforth referred to as "Original Orders.") I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Orders, as follows:

The sanction imposed in BPMC Order # 94-209 was a three year stayed suspension of license and three years of probation, under terms set forth in Exhibit B, Terms of Probation, attached to that Order, with probation to run only

while Respondent is engaged in the practice of medicine in New York. (This period of probation has been tolled since the issuance of BPMC Order # 94-209, since Respondent has not resumed medical practice in New York since the effective date of that Order.) Respondent is also subject to BPMC Order # 02-176, which went into effect on May 23, 2002, and which imposed a sanction (a suspension of Respondent's New York license, and a period of probation in New York, to run concurrently with, and under the same terms and conditions as, those imposed by Maryland under a Maryland Final Decision and Order, dated October 17, 2001) that has been satisfied, except for the Condition that Respondent maintain current registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees, while Respondent possesses a license in New York State.

The sanctions imposed shall be modified to substitute the following sanction for so much of the ones imposed in the Original Orders, and referenced above, that remain to be served:

- Pursuant to New York Public Health Law § 230-a(6), Respondent shall be subject to a limitation precluding registration or issuance of any further license.

and

The following Conditions shall be imposed upon Respondent:

- That Respondent, who does not currently practice in the State of New York, shall be precluded from practicing medicine in New York State, from practicing in any setting where his practice is based solely on his New York license, and from further reliance upon Respondent's New York license to practice medicine to exempt Respondent from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State; and
- That Respondent shall, within 30 days of the issuance of the Modification Order, 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 immediately upon having done so, and shall not reactivate or reregister the license at any time. This Modification Order shall strike the Condition in the Original Order requiring Respondent to maintain active registration of Respondent's license with the New York State Education Department, Division of Professional Licensing Services, to pay all registration fees; and
- That Respondent shall comply with all conditions set forth in attached "Attachment II" ("Requirements for Closing a Medical Practice.")

and

All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

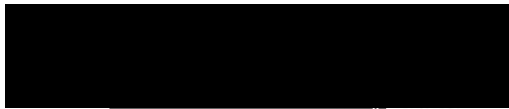
6/1/17  
ALAN BRODY, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Modification Agreement and to its proposed penalty, terms and conditions.

DATE: \_\_\_\_\_

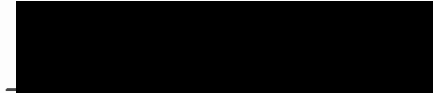
\_\_\_\_\_  
Attorney for Respondent, ESQ.

DATE: 7/1/2017



MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 6/12/17



KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

ATTACHMENT I





Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

*Board for Professional Medical Conduct*

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.  
Executive Secretary

October 11, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alan Brody, M.D.  


RE: License No. 139695  
Effective Date: 10/18/94


Dear Dr. Brody:

Enclosed please find Order #BPMC 94-209 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

Sincerely,

  
C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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


-----X  
IN THE MATTER :  
OF : ORDER  
ALAN BRODY, M.D. : BMC 94-209  
-----X

Upon the application of ALAN BRODY, 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: 7 October 1994

  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

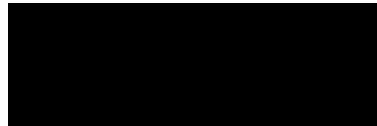


Statement of Charges.

5. I hereby agree to the following penalties:
  - (a) Suspension of my license for three years, such suspension stayed.
  - (b) A three year period of probation, under the Terms of Probation set forth and attached hereto as "Exhibit B," which period shall begin on the effective date of the Order issued pursuant to this Application and which period shall run only during those times when I am engaged in the practice of medicine in New York State.
6. I hereby make this Application to the Board and request that it be granted.
7. I understand that, in the event 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 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.

8. 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.
9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ALAN BRODY, M.D.  
RESPONDENT

Sworn to before me this  
*28<sup>th</sup>* day of *September*, 1994.



NOTARY PUBLIC  
*6-1-95*

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

-----X

IN THE MATTER : APPLICATION  
OF : FOR  
ALAN BRODY, M.D. : CONSENT  
: ORDER

-----X

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

DATE: 9/28/94

[Redacted Signature]

ALAN BRODY, M.D.  
Respondent

DATE: 9/28/94

[Redacted Signature]

FRED JOSEPH, ESQ.  
Attorney for Respondent

DATE: 9/30/94

[Redacted Signature]

CINDY M. FASCIA  
Associate COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 00.5, 1994



KATHLEEN M. TANNER  
DIRECTOR  
Office of Professional  
Medical Conduct

DATE: 7 October 1994



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

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
ALAN BRODY, M.D. : CHARGES  
-----X

ALAN BRODY, M.D., the Respondent, was authorized to practice medicine in New York State on September 21, 1979 by the issuance of license number 139695 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine for the period. Respondent's last known address is: [REDACTED]

FACTUAL ALLEGATIONS

1. Respondent, on or about March 4, 1992, entered into a Consent Order with the Maryland State Board of Physician Quality Assurance, the duly authorized professional disciplinary agency of that state.

2. Respondent, in said Consent Order, admitted that:  
the evidence demonstrates that the Respondent willfully made or filed a false report in the practice of medicine in regard to matters surrounding the Respondent's treatment of

EXHIBIT "A"



Patient A; and that the Respondent willfully submitted false statements to collect fees for which services were not provided.

3. The Maryland Board, in said Consent Order, concluded that "Respondent committed prohibited acts under §14-404(a)(11) and (24) of the Act" [Maryland Medical Practice Act]. The Board concluded as a matter of law that Respondent "willfully made or filed a false report or record in the practice of medicine; and willfully submitted false statements to collect fees for which services were not provided."

4. Respondent, under the terms of said Consent Order, had his license to practice medicine in Maryland suspended. The suspension was stayed, and Respondent was placed on probation for a period of three (3) years. Respondent, under the terms of probation, was ordered to reimburse the Travelers Insurance Company \$895.70 and administrative costs, and was ordered to reimburse Lincoln National Insurance Company \$3,675.00 for patient overbilling in regard to Patient A. Respondent was also subject to annual peer review of his practice by the Suburban Maryland Psychiatric Society Peer Review Committee, and agreed to selection of a psychiatrist to review his patient treatment, billings, and records on a quarterly basis. Respondent agreed to undergo personal psychotherapy with a psychiatrist during the period of his probation. Respondent was also ordered to perform

two hundred (200) hours of community service involving the delivery of mental health services, and to complete a continuing medical education course in medical ethics and medical recordkeeping.

5. Respondent's conduct upon which the Maryland Board's finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York state, specifically N.Y. Educ. Law §6530 (21) [willfully making or filing a false report], and/or N.Y. Educ. Law §6530 (2) [practicing the profession fraudulently].

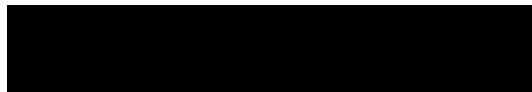
#### SPECIFICATION

Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994), by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs 1 through 5.

DATED: Albany, New York

*June 20, 1994*



Peter D. Van Buren  
Deputy Counsel  
Bureau of Professional Medical  
Conduct

EXHIBIT B

TERMS OF PROBATION

ALAN BRODY, M.D.

1. Respondent shall conduct himself during the period of probation in a manner befitting his professional status and shall conform fully to the ethical and professional standards of conduct imposed by law and his profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereinafter "OPMC"] of his employment and practice, of Respondent's residence and telephone number. Respondent shall notify OPMC in writing of any change in Respondent's employment, practice, residence, or telephone number within or without New York State. Said written notification shall be within thirty days of the change.
3. Respondent shall submit to OPMC, no later than three months after the effective date of this Order, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than two months after the effective date of this Order, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may every three months during the probation period review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, or any other reasonable means of reviewing Respondent's practice of medicine. Respondent's cooperation shall include, without limitation, providing at the direction of the Medical Coordinator or other physician, the names, medical treatment or evaluation provided and/or medical records of patients Respondent has seen.

6. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
7. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.



***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.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office 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

May 23, 2002

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Alan Brody, M.D.



RE: License No. 139695

Dear Dr. Brody:

Enclosed please find Order #BPMC 02-176 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 23, 2002.

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

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

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IN THE MATTER  
OF  
ALAN BRODY, M.D.  
CO-01-12-6175-A

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CONSENT AGREEMENT  
AND ORDER  
BPMC No. 02-176

ALAN BRODY, M.D., (Respondent) states:

That on or about September 21, 1979, I was licensed to practice as a physician in the State of New York, having been issued License No. 139695 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

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

I have not practiced medicine in the State of New York since 1982, and I do not intend to return to the practice of medicine in the State of New York. I agree, therefore, not to contest Factual Allegations A and B(3), and the two (2) specifications, in full satisfaction of the charges against me. I, hereby, agree to the following penalty:

Suspension of my New York state license to practice medicine for the same time and to run concurrent with the suspension imposed on my

license by the State of Maryland, by a Final Decision and Order, dated October 17, 2001, and probation to run concurrent with and under the same terms and conditions as the probation imposed under that Final Decision and Order.

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

That, except during periods of actual suspension, I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while Respondent possesses his license; and

That I 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. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition 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 failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(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 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. 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 Consent Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED

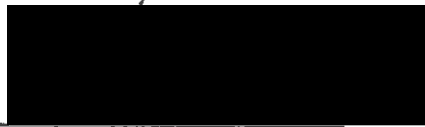
DATED

5/14/02

  
ALAN BRODY, M.D.  
Respondent

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

DATE: 05/15/02



ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 05/20/02



DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

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IN THE MATTER  
OF  
ALAN BRODY, M.D.  
CO-01-12-6175-A

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STATEMENT  
OF  
CHARGES

ALAN BRODY, M.D., the Respondent, was authorized to practice medicine in New York state on September 21, 1979, by the issuance of license number 139695 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 17, 2001, the Maryland State Board of Physician Quality Assurance (hereinafter "Maryland Board"), by a Final Decision and Order (hereinafter "Maryland Order"), Suspended Respondent's license to practice medicine for six (6) months, with all but three (3) months stayed, placed his license on probation for a period of three (3) years without early termination, required that he successfully complete a psychiatric ethics tutorial, and continue psychotherapy, based on unprofessional conduct in the practice of medicine, in that Respondent, a psychiatrist, traded on a psychiatric patient's confidences and abused the physician-patient relationship for pecuniary gain.

B. The conduct resulting in the Maryland Board disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(20) (moral unfitness); and/or
3. New York Education Law §6530(23) (revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient);

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *March 28*, 2002  
Albany, New York

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

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

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IN THE MATTER  
OF  
ALAN BRODY, M.D.

CONSENT ORDER

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Upon the proposed agreement of ALAN BRODY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; 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: 5/22/02

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

ATTACHMENT II

## ATTACHMENT II

### Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall, with regard to New York practice or practice anywhere pursuant to Licensee's New York license, notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall, with regard to New York practice or practice anywhere pursuant to Licensee's New York license, make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at

cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall destroy all prescription pads bearing Licensee's name. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not, with regard to New York practice or practice anywhere pursuant to Licensee's New York license, charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine in New York, or predicated upon Licensee's New York license, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.



10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.