



***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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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

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*Office of Professional Medical Conduct*

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*Vice Chair*

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

November 22, 2002

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Anthony Nappi, M.D.  
Redacted Address

RE: License No. 115906

Dear Dr. Nappi:

Enclosed please find Order #BPMC 02-356 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 22, 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.

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

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  
Corning Tower, Room 1258  
Empire State Plaza  
Albany, New York 12237

Sincerely,

Redacted Signature

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Robert S. Asher, Esq  
295 Madison Avenue, Suite 700  
New York, NY 10017

Robert Bogan, Esq

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

IN THE MATTER  
OF  
ANTHONY NAPPI, M.D.

CONSENT  
ORDER

BPMC No. #02-356

Upon the proposed agreement of **ANTHONY NAPPI, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed 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: 11/21/02

Redacted Signature

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

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

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IN THE MATTER

OF

ANTHONY NAPPI, M.D.  
CO-02-06-2862-A

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CONSENT

AGREEMENT 02-356

AND ORDER

**ANTHONY NAPPI, M.D.**, (Respondent) deposes and says:

That on or about April 4, 1973, I was licensed to practice as a physician in the State of New York, having been issued License No. 115906 by the New York State Education Department.

My current address is Redacted Address 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 of Professional Medical Conduct has charged me with five (5) specifications of professional misconduct.

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

I do not contest Factual Allegation A and the First Specification, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

Three (3) year suspension of my New York state license to practice medicine,  
said suspension is stayed for three (3) years; and a

\$1,000.00 fine, the fine should be paid within thirty (30) days of the effective date of this Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 1258, Albany, NY 12237-0016.

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

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's 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 the licensee possess his/her license; 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 Respondent's compliance with the terms of this Order. 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.

This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her 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 that I am charged with professional misconduct in the future, the 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:

Redacted Signature

DATED: 11-1-02

ANTHONY NAPPI, 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: October 29, 2002

Redacted Signature

ROBERT S. ASHER, ESQ.  
Attorney for Respondent

DATE: 12 Nov 2002

Redacted Signature

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 19 November 2002

Redacted Signature

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  
ANTHONY NAPPI, M.D.  
CO-02-06-2862-A

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STATEMENT  
OF  
CHARGES

ANTHONY NAPPI, M.D., the Respondent, was authorized to practice medicine in New York state on April 4, 1973, by the issuance of license number 115906 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 15, 1998, in the Oneida County Court, Utica, New York, Respondent was convicted, based on a plea of guilty, of Insurance fraud in the fifth degree, in violation of new York Penal Law §176.10, a misdemeanor, and was sentenced to a one (1) year conditional discharge, a \$1,000.00 fine and \$24,000.00 restitution.

B. On or about November 16, 2000, Respondent prepared and submitted a Registration document to The New York State Education Department, wherein he marked the "No" box to the question, "2. Since you last filed a registration application: a. Have you been convicted or charged with any crime (felony or misdemeanor) in any state or country, the disposition of which was other than acquittal or dismissal?"

C. On or about November 3, 2001, Respondent prepared and submitted a New York Stat Physician Profile in which he marked the "No" box to the question, "Have you been convicted of a crime (felony or misdemeanor) in any state, providence or country within the past 10 years?"



**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(a)(i) by having been convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

**SECOND AND THIRD SPECIFICATIONS**

Respondent violated New York State Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in Paragraphs A and/or B; and/or
3. The facts in Paragraphs A and/or C.

**FOURTH AND FIFTH SPECIFICATIONS**

Respondent violated New York State Education Law §6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, in that Petitioner charges:

4. The facts in Paragraphs A and/or B; and/or
5. The facts in Paragraph A and/or C

DATED: *October 11*, 2002  
Albany, New York

Redacted Signature

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