

**PUBLIC**

**IN THE MATTER**  
**OF**  
**COMPREHENSIVE MEDICAL DIAGNOSTIC**  
**TESTING, P.C.**

**CONSENT**  
**AGREEMENT**  
**AND**  
**ORDER**

BPMC No. 03-91

The Respondent, Comprehensive Medical Diagnostic Testing, P.C., says:

The Respondent is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on November 3, 1998 to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation 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 1503(d) of the New York Business Corporation 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 1503(d) of the Business Corporation Law, of revocation of its certificate of incorporation such that the revocation shall be effective immediately and shall be self-executing, provided, however, that pursuant to Article 10 of the Business Corporation Law, the Respondent will be permitted to wind up its affairs, including, but not

limited to, collection of outstanding accounts receivables, notwithstanding this revocation, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation, 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 such allegations and specifications.

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 incorporation. The Respondent agrees that such revocation shall be effective immediately and shall be self-executing, except for the application of the provisions of Article 10 of the Business Corporation Law, and this Consent Agreement and Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation. 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 Leonid Slutsky, M.D., President, 19 Beverly Road, Great Neck, NY 11021, 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 President and Shareholder, Leonid Slutsky, M.D., and the Respondent and Leonid Slutsky, M.D., warrant that he has the necessary corporate 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 incorporation.

Date: March 3, 2003

Comprehensive Medical Diagnostic  
Testing, P.C.

By: Leonid Slutsky M.D.  
Leonid Slutsky, M.D.  
President and Shareholder

State of NEW YORK )

ss.:

County of NASSAU )

On the 3<sup>rd</sup> day of MARCH 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared, Leonid Slutsky, M.D., personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity as the President and Shareholder of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the Board of Directors of said corporation, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

[Signature]  
Notary Public

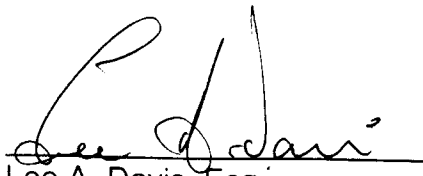
AGREED TO:

Date: March 3, 2003

[Signature]  
Peter Birzon, Esq.  
Attorney for Respondent  
Peter Birzon & Associates  
350 Jericho Turnpike  
Suite 104  
Jericho, NY 11753

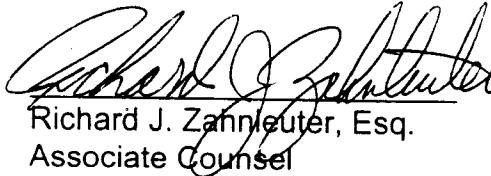
PETER M. BIRZON  
NOTARY PUBLIC, State of New York  
No. 4909125  
Qualified in Suffolk County  
Commission Expires 9/28/2005

Date: March 17, 2003



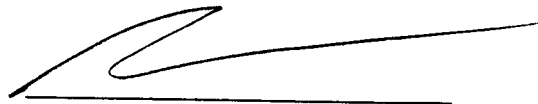
Lee A. Davis, Esq.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: March 17, 2003



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

Date: MARCH 30, 2003



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**  
**COMPREHENSIVE MEDICAL DIAGNOSTIC**  
**TESTING, P.C.**

ORDER

Upon the proposed Consent Agreement and Order of Comprehensive Medical Diagnostic Testing, P.C., which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the Respondent's certificate of incorporation, which was filed by the Department of State on November 3, 1998, is hereby revoked such that the revocation shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation.

ORDERED, that the proposed agreement and the provisions thereof, including the Appendix to this Order, 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 Leonid Slutsky, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: \_\_\_\_\_

4/2/03

William P. Dillon, M.D.

William P. Dillon, M.D.

Chair

State Board for Professional

Medical Conduct



**EXHIBIT A**

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

**IN THE MATTER**  
  
**OF**  
  
**COMPREHENSIVE MEDICAL DIAGNOSTIC  
TESTING, P.C.**

STATEMENT  
OF  
CHARGES

The Respondent is a professional service corporation duly authorized to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation 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 1503(d) of the New York Business Corporation Law.

**ALLEGATIONS**

A. In the course of practicing medicine, on one occasion, the Respondent failed to maintain an accurate patient record.

**SPECIFICATION OF MISCONDUCT**


**FIRST SPECIFICATION**

The Respondent is charged with professional misconduct by reason of FAILING TO MAINTAIN A RECORD, in violation of New York Education Law §6530(32), in that

Petitioner charges:

1. The factual allegations in paragraph A.

DATED: *March 17*, 2003  
Albany, New York

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