



***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*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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Michael A. Gonzalez, R.P.A.  
*Vice Chair*

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

**PUBLIC**

July 31, 2003

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

Kanjirakkattu A. Marcus, M.D.  
6194 Suede Circle  
Farmington, NY 14425

Re: License No. 129886

Dear Dr. Marcus:

Enclosed please find Order #BPMC 03-196 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 7, 2003.

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 the 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: Richard S. Tubiolo, Esq.  
Hirsch & Tubiolo, P.C.  
1000 Reynolds Arcade Building  
16 East Main Street  
Rochester, NY 14614

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

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**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**KANJIRAKKATTU A. MARCUS, M.D.,  
aka KANJIRAKKATU A. MARCUS, M.D.  
RO-03-03-1046-A**

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BPMC No. 03-196

**KANJIRAKKATTU A. MARCUS, M.D., aka KANJIRAKKATU A. MARCUS, M.D.,** says:

On or about February 18, 1977, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 129886 by the New York State Education Department. I currently reside at 6194 Suede Circle, Farmington, New York 14425.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have retired from the practice of medicine and have not practiced medicine in the State of New York since 1997, and I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

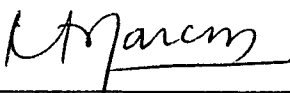
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.


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

Date: 7/18, 2003

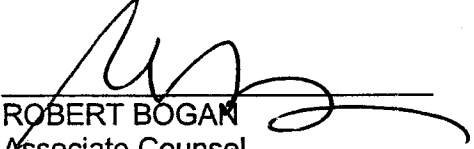
  
\_\_\_\_\_  
KANJIRAKKATTU A. MARCUS, M.D.  
aka KANJIRAKKATTU A. MARCUS, M.D.  
Respondent

AGREED TO:

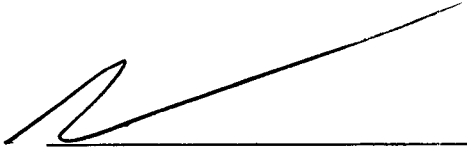
Date: 7-18-03, 2003

  
RICHARD S. TUBIOLO, ESQ.  
Attorney for Respondent

Date: 21 July, 2003

  
ROBERT BOGAM  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 29 July, 2003

  
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	STATEMENT
OF	OF
KANJIRAKKATTU A. MARCUS, M.D., aka KANJIRAKATU A. MARCUS, M.D. RO-03-03-1046-A	CHARGES

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KANJIRAKKATTU A. MARCUS, M.D., aka KANJIRAKATU A. MARCUS, M.D., the Respondent, was authorized to practice medicine in New York state on February 18, 1977, by the issuance of license number 129886 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 26, 2002, in the Justice Court, Town of Hopewell, New York, Respondent was found guilty of Operating a motor vehicle while under the influence of alcohol, in violation of New York Vehicle and Traffic Law Section 1192.3, and was sentenced to a \$500.00 fine, a \$125.00 surcharge, six (6) months drivers license revocation, and to attend a Victim Impact Panel.

**SPECIFICATION**

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

1. The facts in Paragraphs A.

DATED: *July 25*, 2003  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

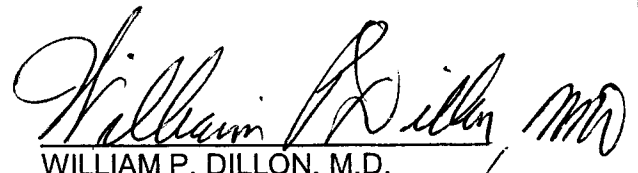
**ORDER**

Upon the proposed agreement of **KANJIRAKKATTU A. MARCUS, M.D., aka KANJIRAKKATTU A. MARCUS, M.D.**, 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 proposed agreement and the provisions thereof are hereby adopted; it is further

**ORDERED**, that the name of the 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/31, 2003

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

## EXHIBIT "B"

### **GUIDELINES FOR CLOSING A MEDICAL PRACTICE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall, within 30 days of the issuance of the Consent 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 within 30 days thereafter.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded 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 seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a

patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

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