

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

**PUBLIC**  
**ORDER**

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**IN THE MATTER**  
**OF**  
**UPHILL MEDICAL ASSOCIATE, P.C.**

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BPMC No. #04-125

Upon the proposed Consent Agreement and Order of **UPHILL MEDICAL ASSOCIATE, P.C.**, 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 to the Respondent or the Respondent's attorney at the addresses set forth in this Consent Agreement and Order, or upon transmission via facsimile, to the Respondent or the Respondent's attorney, whichever is earliest.

DATED: 14 June, 2004

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice 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

UPHILL MEDICAL ASSOCIATE, P.C.  
CO-04-05-2448-A/B

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CONSENT  
AGREEMENT  
AND ORDER

The Respondent, **UPHILL MEDICAL ASSOCIATE, P.C.**, says:

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 New York State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the Business Corporation Law.

The Respondent is applying to the New York 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, 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 understands that the New York State Board for Professional Medical Conduct has charged the Respondent with one (1) specification as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

The Respondent agrees not to contest the one (1) specification, set forth in the Statement of Charges (Exhibit A).

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, 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 that, 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, or from otherwise satisfying any obligations to those agencies.

The Respondent agrees that, in the event the State Board for Professional Conduct grants this application, 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 the Consent Agreement and Order to Laurie Leigh Hill, M.D., P.O. Box 537, North Tonawanda, NY 14120, or to its attorney, Amy Martoche, at Connors & Vilardo, LLP, 1020 Liberty Building, Buffalo, New York, 14202 or upon transmission via facsimile to its attorney at (716) 852-5649, whichever is first.

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 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 agreement 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 Laurie Leigh Hill, M.D., The Respondent and Laurie Leigh Hill, 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 its certificate of incorporation.

Date: 4/6/, 2004

UPHILL MEDICAL ASSOCIATE, P.C.

Laurie Leigh Hill, M.D.  
LAURIE LEIGH HILL, M.D.

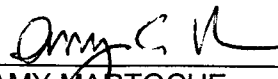
CITY OF TORONTO  
State of New York )

County of York ss:

On the 4th day of June, 2004, before me personally came Laurie Leigh Hill, M.D., who being by me duly sworn, did depose and say that he resides at P.O. Box 537, North Tonawanda, NY 14120; that he is the sole 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 the Respondent.

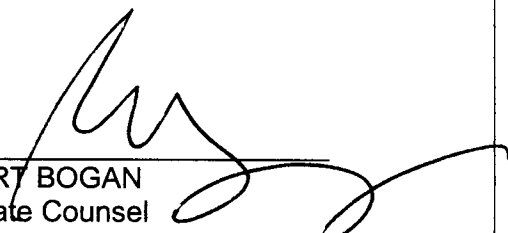
AGREED TO:

Date: June 7, 2004

  
\_\_\_\_\_  
AMY MARTOCHE  
Connors & Vilardo, LLP  
1020 Liberty Building  
Buffalo, NY 14202

Counsel for the Respondent

Date: 09 June, 2004

  
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ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 09 June, 2004

  
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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  
UPHILL MEDICAL ASSOCIATE, P.C.

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STATEMENT  
OF  
CHARGES

UPHILL MEDICAL ASSOCIATE, P.C., Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about December 8, 1999, by the New York State Department of State.

**FACTUAL ALLEGATIONS**

A. Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing 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.

B. On or about December 8, 1999, through the date of this Statement of Charges, Laurie Leigh Hill, M.D. was the President and sole shareholder of Respondent.

C. On or about May 11, 2004, in the United States District Court, Western District of New York, Laurie Leigh Hill, M.D., on behalf of Respondent, entered into a Plea Agreement and pled guilty to False Claims Against the United States, in violation of 18 U.S.C. §287.

**SPECIFICATION**

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

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

DATED: *June 4*, 2004  
Albany, New York

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