



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*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

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

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

September 24, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alexander Ricci, M.D.
P.O. Box 2832
East Hampton, NY 11937

RE: License No. 151246

Dear Dr. Ricci:

Enclosed please find Order #BPMC 04-217 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 1, 2004.

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 or receipt of the 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

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,

A handwritten signature in black ink, appearing to read 'Ansel R. Marks', written over a rectangular stamp area.

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

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

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

IN THE MATTER
OF
ALEXANDER RICCI, M.D.

CONSENT AGREEMENT
AND ORDER

BPMC No. 04-217

~~00-01-02-00511~~ **CO-03-04-1708A**

ALEXANDER RICCI, M.D., states:

That on or about August 18, 1982, I was licensed to practice as a physician in the State of New York, having been issued License No. 151246 by the New York State Education Department.

My current address is P.O. Box 2832, East Hampton, NY 11937, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with thirty nine (39) 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 the Factual Allegation D and W and the Twentieth and Thirty Ninth Specifications, in full satisfaction of the charges against me. I agree, hereby, to the following penalty:

Five (5) years suspension of my New York state license, stayed, with five (5) years probation in accordance with Exhibit B attached, hereto; and a

\$20,000.00 fine

The fine is to 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,

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.

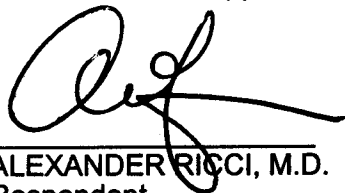
I, hereby, make this application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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




ALEXANDER RICCI, M.D.
Respondent

DATED Sept. 15, 2004

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

DATE: September 15, 2004



ROBERT S. ASHER
Attorney for Respondent

DATE: 16 September 2004



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 September 2004



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
ALEXANDER RICCI, M.D.

CONSENT ORDER


Upon the proposed agreement of **ALEXANDER RICCI, 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: 9/23/04


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

IN THE MATTER
OF
ALEXANDER RICCI, M.D.
CO-03-04-1708-A

STATEMENT
OF
CHARGES

ALEXANDER RICCI, M.D., the Respondent, was authorized to practice medicine in New York state on August 18, 1982, by the issuance of license number 151246 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 4, 1987, in the Criminal Court of the City of New York, County of New York, New York, Respondent was found guilty, based on a plea of guilty, of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law §1192(3), a misdemeanor, and was sentenced to a \$500.00 fine and a one (1) year conditional discharge.

B. On or about September 19, 1991, pursuant to a University of the State of New York, Duplicate Original Vote and Order No. 12123, Respondent's license to practice medicine in New York state was suspended for three (3) years, the suspension stayed, and he was placed on three (3) years probation to include that Respondent shall remain alcohol and drug-free.

C. On or about July 31, 1993, in the Local Criminal Court, Village of Sag Harbor, Town of East Hampton, New York, Respondent was charged and arraigned on a felony count of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law §1192(3).

D. On or about December 16, 1993, in the East Hampton Town Court, Criminal Part, County of Suffolk, New York, Respondent was found guilty, based on a plea of guilty, of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law §1192(3), a misdemeanor, and was sentenced to a \$750.00 fine and a \$90.00 surcharge.

E. On or about November 30, 2001, Respondent prepared and submitted a New York State Physician Profile to the New York State Department of Health, wherein he falsely answered "No" to question "15. Criminal Convictions: Have you been convicted of a crime (felony or misdemeanor) in any state, province or country within the past 10 years?"

F. On or about May 28, 2002, Respondent prepared and submitted a New York State Physician Profile to the New York State Department of Health, wherein he falsely answered "No" to question "15. Criminal Convictions: Have you been convicted of a crime (felony or misdemeanor) in any state, province or country within the past 10 years?"

G. On or about December 5, 1994, Respondent prepared and submitted a Medical/Dental Staff Interval Form, to North Shore University Hospital, Manhasset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

H. On or about December 22, 1996, Respondent prepared and submitted a Medical/Dental Staff Interval Form to North Shore University Hospital, Manhasset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

I. On or about October 20, 1998, Respondent prepared and submitted a Medical Staff Member Profile to North Shore University Hospital, Manhasset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

J. On or about October 5, 2000, Respondent prepared and submitted a Medical Staff Member Profile to North Shore University Hospital, Manhasset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

K. On or about December 5, 1994, Respondent prepared and submitted a Medical Staff Member Profile to North Shore University Hospital at Syosset, Syosset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

L. On or about December 12, 1996, Respondent prepared and submitted a Medical Staff Member Profile to North Shore University Hospital at Syosset, Syosset, New York, wherein he falsely answered "No" to the question, "Have there been any felony charges brought against you?"

M. On or about June 14, 2001, Respondent prepared and submitted a reappointment form to North Shore University Hospital at Syosset, Syosset, New York, wherein he falsely answered "No" to the question "3. Have you ever been convicted of a crime or are any criminal charges pending against you?"

N. On or about January 14, 2003, Respondent prepared and submitted a reappointment form to North Shore University Hospital at Syosset, Syosset, New York, wherein he falsely answered "No" to question "3. Have you ever been convicted of a crime or are any criminal charges pending against you?"

O. On or about April 26, 1995, Respondent prepared and submitted an Application for Reappointment to the Professional Staff/Questionnaire to New York Eye and Ear Infirmary, New York, wherein he answered "Yes" to the question, "Have you ever been convicted of a criminal offense?" but wrongfully failed to provide details of the December 6, 1993, conviction set forth in Paragraph D, above.

P. On or about February 3, 1999, Respondent prepared and submitted a 1999 Application for Reappointment to the Professional Staff/Questionnaire to New York Eye and Ear Infirmary, New York, wherein he answered "No" to the question, "Have you ever been convicted of a crime or are there any criminal charges pending against you other than for minor traffic offenses?"

Q. On or about March 8, 2001, Respondent prepared and submitted a 2001 Application for Reappointment to the Professional Staff/Questionnaire to New York Eye and Ear Infirmary, New York, wherein he answered "No" to the question, "Have you ever been convicted of a crime or are there any criminal charges pending against you other than for minor traffic offenses?"

R. On or about Mach 11, 2003, Respondent prepared and submitted a 2003 Application for Reappointment to the Professional Staff/Questionnaire to New York Eye and Ear Infirmary, New York, wherein he answered "No" to the question, "Have you ever been convicted of a crime or are there any criminal charges pending against you other than for minor traffic offenses?"

S. On or about 1995, Respondent prepared and submitted an Application For Appointment to the Medical Staff to Flushing Medical Center, Flushing, New York, wherein he answered "No" to the question, "Have any criminal charges ever been brought against you?"

T. On or about 1998, Respondent prepared and submitted an Application for Appointment to the Medical Staff to NYHQ, Medical Center of Queens, Flushing, New York, wherein he answered "No" to the question, "Have you ever been convicted of a crime?"

U. On or about August 22, 2001, Respondent prepared and submitted an Application for Medical Staff Reappointment and Renewal of Clinical Privileges, Effective January 1, 2002, to New York Hospital Queens, Flushing, New York, wherein he answered "No" to the question, "Have any criminal charges ever been brought against you?"

V. On or about October 25, 1994, Respondent prepared and submitted a Registration Application to the New York State Education Department, wherein he falsely answered "No" to question "1.(b) Since you last registered, have you been convicted of any crime (felony or misdemeanor) in any state or country or have you been charged with any crime the disposition of which was other than acquittal or dismissal?"

W. On or about June 18, 2001 to on or about September 30, 2003, in New York State and the State of California, Respondent, pursuant to his New York State license to practice medicine, wrote numerous prescriptions for Percocet, Roxicet, Ambien, Endocet, Alprazolam, and Oxycodone, controlled substances, without making any record thereof.

SPECIFICATIONS
FIRST THROUGH EIGHTEENTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs D and/or E.
2. The facts in Paragraphs D and/or F.
3. The facts in Paragraphs C and/or G.
4. The facts in Paragraphs C and/or H.
5. The facts in Paragraphs C and/or I.
6. The facts in Paragraphs C and/or J.
7. The facts in Paragraphs C and/or K.
8. The facts in Paragraphs C and/or L.
9. The facts in Paragraphs A, D, and/or M.
10. The facts in Paragraphs A, D, and/or N.
11. The facts in Paragraphs D and/or O.
12. The facts in Paragraphs A, D, and/or P.
13. The facts in Paragraphs A, D, and/or Q.
14. The facts in Paragraphs A, D, and/or R.
15. The facts in Paragraphs A, C, D, and/or S.
16. The facts in Paragraphs A, D, and/or T.
17. The facts in Paragraphs A, C, D, and/or U.
18. The facts in Paragraphs D and/or V.

NINETEENTH SPECIFICATION

Respondent violated New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

19. The facts in Paragraph W.

TWENTIETH SPECIFICATION

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

20. The facts in Paragraph D.

TWENTY FIRST THROUGH THIRTY SEVENTH

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness, in that Petitioner charges:

21. The facts in Paragraphs D and/or E.
22. The facts in Paragraphs D and/or F.
23. The facts in Paragraphs C and/or G.
24. The facts in Paragraphs C and/or H.
25. The facts in Paragraphs C and/or I.
26. The facts in Paragraphs C and/or J.
27. The facts in Paragraphs C and/or K.
28. The facts in Paragraphs C and/or L.
29. The facts in Paragraphs A, D, and/or M.
30. The facts in Paragraphs A, D, and/or N.
31. The facts in Paragraphs D and/or O.
32. The facts in Paragraphs A, D, and/or P.
33. The facts in Paragraphs A, D, and/or Q.
34. The facts in Paragraphs A, D, and/or R.
35. The facts in Paragraphs A, C, D, and/or S.
36. The facts in Paragraphs A, D, and/or T.
37. The facts in Paragraphs A, C, D, and/or U.

THIRTY EIGHTH SPECIFICATION

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

38. The facts in Paragraphs D and/or V.

THIRTY NINTH SPECIFICATION

Respondent violated New York Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that
Petitioner charges:

39. The facts in Paragraph W.

DATED: *8/23*, 2004
Albany, New York

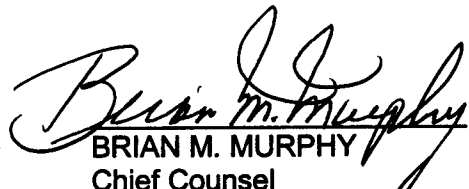

BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical Conduct

EXHIBIT B

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by 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 (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall enroll in and complete a continuing education program in the area of Professional Ethics. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the first year of probation.
9. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing by the Director of OPMC.

10. Respondent shall be responsible for all expenses related to the psychiatric/chemical dependency evaluation and shall provide to the Director of OPMC proof of full payment of all costs that may be charged.
11. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.