



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

March 29, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Cafaro, M.D.
4710 Madison Avenue
Trumbull, CT 06611

RE: License No. 193358

Dear Dr. Cafaro:

Enclosed is a copy of Order #BPMC 06-61 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 5, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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 dark ink, appearing to read 'Ansel R. Marks', written in a cursive style.

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

cc: Frank A. DeNicola, Jr., Esq.
Gordon and DeNicola
1087 Broad Street
Bridgeport, CT 06604-4262

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

IN THE MATTER
OF
MICHAEL CAFARO, M.D.

CONSENT
ORDER

BPMC no. #06-61

Upon the application of **MICHAEL CAFARO, M.D.**, (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 3-27-06



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
MICHAEL CAFARO, M.D.
CO-05-12-6345-A

CONSENT
AGREEMENT
AND ORDER

MICHAEL CAFARO, M.D., (Respondent) representing that all of the following statements are true, deposes and says:

That on or about August 20, 1993, I was licensed to practice as a physician in the State of New York, and issued License No. 193358 by the New York State Education Department.

My current address is 4719 Madison Avenue, Trumbull, CT 06611, 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 one (1) specification of professional misconduct, based solely on the State of Connecticut, Department of Public Health, Connecticut Medical Examining Board, November 15, 2005, Memorandum and Decision.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest Factual Allegations and the One Specification, in full satisfaction of the charges against me, and agree to the following penalty:

\$1,000.00 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, Empire State Plaza, Corning Tower, Room 1258, Albany, NY 12237-0016.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of all matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail. The Order, this agreement, and all attached Exhibits shall be public documents, with only patients identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

AFFIRMED:

DATED:

3/13/06



MICHAEL CAFARO, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions thereof.

DATE:

3/15/06



FRANK A. DENICOLA
Attorney for Respondent

DATE:

21 March 2006



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

23 March 2006



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

MICHAEL CAFARO, M.D.
CO-05-12-6345-A

STATEMENT

OF

CHARGES

MICHAEL CAFARO, M.D., Respondent, was authorized to practice medicine in New York state on August 20, 1993, by the issuance of license number 193358 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 15, 2005, the State of Connecticut, Department of Public Health, Connecticut Medical Examining Board (hereinafter "Connecticut Board"), by a Memorandum of Decision (hereinafter "Connecticut Decision"), required Respondent to pay a \$1,200.00 civil penalty, based on allowing an unlicensed medical assistant (a physician with a revoked license to practice medicine) to administer Non-intravenous medications to patients and that the injectable medications were so administered.

B. The conduct resulting in the Connecticut Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(25)(delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or have reason to know that such person is not qualified by licensure to provide them).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *March 20*, 2006
Albany, New York

Peter D. Van Buren
Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct