

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

**IN THE MATTER
OF
BRIAN M. RESNIK, R.P.A.**

**SURRENDER
ORDER**

BPMC No. #08-44

Upon the application of (Respondent) BRIAN M. RESNIK, R.P.A. to Surrender his license as a physician's assistant in the State of New York, which is made a part of this Surrender Order, it is

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

ORDERED, that Respondent's name be stricken from the roster of physician's assistants in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 3-28-2008

Redacted Signature

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

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

IN THE MATTER
OF
BRIAN M. RESNIK, R.P.A.

SURRENDER
of
LICENSE

BRIAN M. RESNIK, R.P.A., representing that all of the following statements are true, deposes and says:

That on or about August 22, 1995, I was licensed to practice as a physician's assistant in the State of New York and issued License No. 005152 by the New York State Education Department.

My current address is Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with Twenty specifications of professional misconduct.

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit factual allegations [excluding Allegations A.5 and A.10] supporting the First, Second, and Third Specifications [moral unfitness], as well as the Seventh, Eighth, and Ninth Specifications [fraud in the practice of medicine], in full satisfaction of the charges against me.

I ask the Board to accept my Surrender of License, and I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept my Surrender of License, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application 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 accepts my Surrender of License, the Chair of the Board shall issue a Surrender 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 Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender Order, this agreement, and all attached exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board

for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

17 March 08

Redacted Signature

BRIAN M. RESNIK, R.P.A.
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: _____

N/A

[NONE]
Attorney for Respondent

DATE: 3/18/08

Redacted Signature

MICHAEL A. HISER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/26/08

Redacted Signature

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
BRIAN M. RESNIK, R.P.A.

STATEMENT
OF
CHARGES

BRIAN M. RESNIK, R.P.A., the Respondent, was authorized to practice medicine as a physician's assistant in New York State on or about August 22, 1995, by the issuance of license number 005152 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent submitted an "Application for Appointment to the Adjunct Staff" to the Glens Falls Hospital, 100 Park Street, Glens Falls, New York 12801, ["Glens Falls Application"] on or about June 19, 2000. He also submitted Applications for Reappointment to Glens Falls Hospital Adjunct Staff dated August 15, 2001, November 20, 2003, and October 28, 2005. All of the above were signed by the Respondent and acknowledged to be "true to the best of my knowledge and belief", or words to that effect.

1. Respondent, on his Glens Falls Application, dated and signed by the Respondent on or about "6/19/00", falsely answered "no" to the following question on page "4":

Have you ever been habituated to drugs or alcohol?

In fact, Respondent had been treated at the Edgehill treatment facility in Newport, Rhode Island, in 1987 due to alcohol abuse; beginning in 1996, Respondent inappropriately used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at the Rhinebeck Lodge, Rhinebeck, New York, and Respondent knew such facts.

2. Respondent, on his Glens Falls Application, dated and signed by the Respondent on or about "6/19/00", falsely answered "no" to the following question on page "5":

Has your license to practice your profession in any jurisdiction ever been limited, suspended, revoked or voluntarily relinquished?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby he was issued a license by the Texas Board, subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council", and Respondent knew such facts.

3. Respondent, on his First Re-application to Glens Falls Hospital dated August 15, 2001, and signed by the Respondent on or about that date falsely answered "no" to the following question on page "4":

Have you had any physical or mental health conditions, including but not limited to alcohol or drug dependence that would affect your ability to perform professional duties within the scope of the privileges you are requesting?

In fact, Respondent had been treated at the Edgehill treatment facility in Newport, Rhode Island, in 1987 due to alcohol abuse; beginning in 1996, Respondent inappropriately used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at the Rhinebeck Lodge, Rhinebeck, New York, and Respondent knew such facts.

4. Respondent, on his First Re-application to Glens Falls Hospital dated August 15, 2001, and signed by the Respondent on or about that date, falsely answered "no" to the following question, on page "3":

Within the past ten years, have any disciplinary actions been taken. . . which resulted in . . . reduction, limitation, [or] placing on probation of [your] medical license in any state

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby he was issued a license by the Texas Board, subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council", and Respondent knew such facts.

5. Respondent, on his Second Re-application to Glens Falls Hospital dated November 10, 2003, and signed by the Respondent on or about that date, falsely answered "no" to the following question, on page "3":

Within the past ten years, have any disciplinary actions been taken . . . of [your] medical license in any state

In fact, Respondent's application to be licensed in California had been denied by Decision effective November 25, 1996, on the grounds, among others, that "the public interest will be adversely affected by the issuance of a license to respondent in California", and Respondent knew such facts.

6. Respondent, on his Second Re-application to Glens Falls Hospital dated November 10, 2003, and signed by the Respondent on or about that date, falsely answered "no" to the following question on page "4":

"Have you had any physical or mental health conditions, including but not limited to alcohol or drug dependence that would affect your ability to perform professional duties within the scope of the privileges you are requesting?"

In fact, Respondent had been treated at the Edgehill treatment facility in Newport, Rhode Island, in 1987 due to alcohol abuse; beginning in 1996, Respondent inappropriately used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at the Rhinebeck Lodge, Rhinebeck, New York, and Respondent knew such facts.

7. Respondent, on his Second Re-application to Glens Falls Hospital dated November 10, 2003, and signed by the Respondent on or about that date, falsely answered "no" to the following question, on page "3":

Within the past ten years, have any disciplinary actions been taken . . . which resulted in . . . reduction, limitation, [or] placing on probation of [your] medical license in any state?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby he was issued a license by the Texas Board, subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council", and Respondent knew such facts.

8. Respondent, on his Third Re-application to Glens Falls Hospital dated October 28, 2005, and signed by the Respondent on or about that date, falsely answered "no" to the following question on page "4":

Have you had any physical or mental health conditions, including but not limited to alcohol or drug dependence that would affect your ability to perform professional duties within the scope of the privileges you are requesting?

In fact, Respondent had been treated at the Edgehill treatment facility in Newport, Rhode Island, in 1987 due to alcohol abuse; beginning in 1996, Respondent inappropriately used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at the Rhinebeck Lodge, Rhinebeck, New York, and Respondent knew such facts.

9. Respondent, on his Third Re-application to Glens Falls Hospital dated October 28, 2005, and signed by the Respondent on or about that date, falsely answered "no" to the following question, on page "3":

Within the past ten years, have any disciplinary actions been taken . . . which resulted in . . . reduction, limitation, [or] placing on probation of [your] medical license in any state?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby he was issued a license by the Texas Board, subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council", and Respondent knew such facts.

10. Respondent, on his Third Re-application to Glens Falls Hospital dated October 28, 2005, and signed by the Respondent on or about that date, falsely answered "no" to the following question, on page "3":

Within the past ten years, have any disciplinary actions been taken . . . which resulted in denial . . . of [your] medical license in any state

In fact, Respondent's application to be licensed in California had been denied by Decision effective November 25, 1996, on the grounds, among others, that "the public interest will be adversely affected by the issuance of a license to respondent in California", and Respondent knew such facts.

B. Respondent submitted an "Application for Appointment to the Medical Staff" of the Hudson Headwaters Health Network [HHHN], 39 Elm Street, Warrensburg, New York 12885 ["HHHN Application"] on or about October 11, 2001. He also submitted an Application for Reappointment to HHHN dated August 1, 2003. Both applications contained affirmations by Respondent that "the information furnished by me is true and accurate".

1. Respondent, in his HHHN application dated October 11, 2001, and signed by the Respondent on or about that date, falsely answered "no" to the following question, numbered "1C":

Has probation ever been invoked against you in any state?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby Respondent's Texas license was issued but made subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council".

2. Respondent, in his HHHN application dated October 11, 2001, and signed by the Respondent on or about that date, falsely answered "no" to the following question, numbered "3B":

Do you have a substance abuse or alcohol problem?

In fact, Respondent had been treated at Edgehill [Recovery place], Newport, Rhode Island, in 1987; beginning in 1996, Respondent used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at Rhinebeck Lodge, Rhinebeck, New York.

3. Respondent, in his HHHN re-application dated August 1, 2003, and signed by the Respondent on or about that date, falsely answered "no" to the following question, numbered "3":

Has probation ever been invoked against you in any state?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby Respondent's Texas license was issued but made subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly

required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council".

4. Respondent, in his HHHN re-application dated August 1, 2003, and signed by the Respondent on or about that date, falsely answered "no" to the following question on page "2":

Do you have a substance abuse or alcohol problem?

In fact, Respondent had been treated at Edgehill [Recovery place], Newport, Rhode Island, in 1987; beginning in 1996, Respondent used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at Rhinebeck Lodge, Rhinebeck, New York.

- C. Respondent submitted an "Application for Appointment to the Medical Staff" to St. Mary's Hospital of the Seton Health System, 1300 Massachusetts Avenue, Troy, New York, 12180 ["Seton Health Application"], on or about May 19, 2002. Respondent signed a statement that "all information submitted by me in this application is true to my best knowledge and belief".

1. Respondent, in his Seton Health application dated May 19, 2002, and signed by the Respondent on or about that date, falsely answered "no" to the following question, after letter "A":

Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked?

In fact, Respondent had agreed to an Order with the Texas Board of Medicine on or about June 8, 1995, whereby Respondent's Texas license was issued but made subject to terms and conditions for a period of 12 months, which terms included a requirement of randomly required, and unannounced screening for drugs "either through a urine, blood, or hair specimen at the request of a representative of the Council".

2. Respondent, in his Seton Health application dated May 19, 2002, and signed by the Respondent on or about that date, falsely answered "no" to the following question, after letter "H":

Have you ever been addicted to, or abusive of, drugs or alcohol?

In fact, Respondent had been treated at Edgehill [Recovery place], Newport, Rhode Island, in 1987; beginning in 1996, Respondent used narcotics and other prescription drugs; and in 1996 Respondent was treated for drug abuse at Rhinebeck Lodge, Rhinebeck, New York.

- D. Respondent, between on or about September 2004 and June 2006, prescribed medications for Patient "A" for medications and refills that included Tramadol HCL [approximately 15 prescriptions and refills], Codeine [approximately 4 prescriptions and refills], and Butalbital [approximately 9 prescriptions and refills].
1. Respondent failed to document a history and/or physical examination of the patient prior to prescribing such medications, and/or failed to document that he had prescribed such medications, and/or failed to maintain any medical record for such patient, including notation of medical indication for the medication.
 2. Respondent used some of the medications described above for his personal use.
- E. Respondent, on or about April 19, 2006, was on duty at the Emergency Department of the Glens Falls Hospital, 100 Park Street, Glens Falls, New York 12801, when Patient B came to the Emergency Department. Respondent and Patient B had recently had contact with each other where Patient B had been the judge in a criminal court disposition of a matter where Respondent had been charged with driving while ability impaired.
1. Respondent, despite being informed of Patient B's request that Respondent not provide care to him, proceeded to write orders to provide medical care and treatment of the patient.
 2. Respondent, despite being informed of Patient B's request that Respondent not provide care to him, ordered tests that were not medically indicated.

- F. Respondent, on or about June 14, 2006, went to Northway Towing, a garage that had possession of Respondent's automobile, which had been lawfully towed the day before. While at the garage, Respondent became angry with employee[s] of the garage. Respondent told the employee[s] that "You had better never go to Glens Falls Hospital Emergency Room or you'll be sorry", or words to that effect.
- G. Respondent, in or about December 2005, began using narcotic analgesics that were not prescribed by a physician, and that he procured from non-physician[s].
- H. Respondent, in or about April or May, 2006, was treated at Conifer Park, Scotia, New York, for treatment of drug and/or alcohol abuse. Thereafter, in approximately August, 2006, Respondent was treated at Marworth Treatment Center, Waverly, Pennsylvania, for treatment of drug and/or alcohol abuse. Thereafter, Respondent was treated at Health Care Connection of Tampa, Florida, for treatment of drug and/or alcohol abuse, where Respondent was an inpatient for approximately three weeks.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

1. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, and/or A and A.10.
2. The facts in paragraphs B and B.1, B and B.2, B and B.3, and/or B and B.4.
3. The facts in paragraphs C and C.1 and/or C and C.2.
4. The facts in paragraphs D and D.2.
5. The facts in paragraphs E and E.1 and/or E and E.2.
6. The facts in paragraph F.

SEVENTH THROUGH TENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

7. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, and/or A and A.10.

8. The facts in paragraphs B and B.1, B and B.2, B and B.3, and/or B and B.4.
9. The facts in paragraphs C and C.1 and/or C and C.2.
10. The facts in paragraphs D and D.2.

ELEVENTH THROUGH THIRTEENTH SPECIFICATIONS
VIOLATION OF § TWENTY-EIGHT HUNDRED FIVE-K
OF THE PUBLIC HEALTH LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(14) by violating section twenty-eight hundred five-k of the Public Health Law, as alleged in the facts of:

11. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, and/or A and A.10.
12. The facts in paragraphs B and B.1, B and B.2, B and B.3, and/or B and B.4.
13. The facts in paragraphs C and C.1 and/or C and C.2.

FOURTEENTH THROUGH SIXTEENTH SPECIFICATIONS
BEING AN HABITUAL USER OR HAVING A
PSYCHIATRIC CONDITION WHICH IMPAIRS
THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(8) by being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs

having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

14. The facts in paragraph D and D.2.
15. The facts in paragraph G.
16. The facts as alleged in paragraph H.

SEVENTEENTH SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

17. The facts as alleged in paragraphs D and D.1 and/or E and E.1.

EIGHTEENTH SPECIFICATION

NEGLECT ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

18. The facts as alleged in paragraphs D and D.1 and/or E and E.1.

NINETEENTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

19. The facts as alleged in paragraphs D and D.1.

TWENTIETH SPECIFICATION
WILFUL PHYSICAL ABUSE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(31) by wilfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

20. The facts of paragraph E and E.2.

DATE: February 25, 2008
Albany, New York

Redacted Signature

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

EXHIBIT "B"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE
FOLLOWING MEDICAL LICENSE REVOCATION, SURRENDER
OR SUSPENSION OF SIX MONTHS OR MORE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Surrender Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for continued care, as appropriate.
3. Within 30 days of the Surrender Order's effective date, Respondent shall deliver Respondent's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and, for minors, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be provided promptly or sent to the patient at reasonable cost (not to exceed 75 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 inability to pay.
5. Within 15 days of the Surrender Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Surrender Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Surrender Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, before the Surrender Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Surrender Order, Respondent shall, within 90 days of the Surrender Order's effective date, divest all financial interest in the professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Surrender Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to 4 years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.