



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

November 25, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Albert Ciancimino, M.D.
78 Cardinal Road
Manhasset, New York 11030

Re: License No. 129362

Dear Dr. Ciancimino:

Enclosed please find Order #BPMC 98-283 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 25, 1998**.

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 T. Yarmel, Esq.
Nixon, Hargrave, Devans & Doyle, LLP
Clinton Square
P.O. Box 1051
Rochester, New York 14603-1051

Michelle Y. Tong, Esq.

bcc: W. Comiskey
R. Nemerson
C. Glynn
J. Dawson
M. Izquierdo
A. Bohenek
K. Spooner
A. Larson

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

IN THE MATTER
OF
ALBERT CIANCIMINO, M.D.

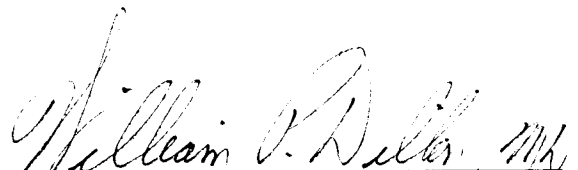
CONSENT
ORDER
BPMC #98-283

Upon the proposed agreement of Albert Ciancimino, 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 so ORDERED, 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: 11/23/98


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

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

IN THE MATTER
OF
ALBERT CIANCIMINO, M.D.

CONSENT
AGREEMENT
AND
ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

ALBERT CIANCIMINO, M.D., being duly sworn, deposes and says:

That on or about November 19, 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 129362 by the New York State Education Department.

My current address is 78 Cardinal Road, Manhasset, New York, 11030, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the one specification, in full satisfaction of the charges against me. I hereby agree to the penalty of a censure and reprimand.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

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:

DATED _____

Albert Ciancimino
ALBERT CIANCIMINO, M.D.
RESPONDENT

State of New York
County of Nassau
Sworn to before me on this 23rd day
of October 1998

Camille Pagnotta

CAMILLE PAGNOTTA
Notary Public, State of New York
No. 01PA5078261
Qualified in Suffolk County
Commission Expires May 19, 1999

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

DATE: _____



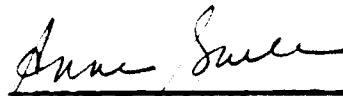
Attorney for Respondent

DATE: _____



MICHELE Y. TONG
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: November 17, 1998



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

EXHIBIT "A"
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ALBERT CIANCIMINO, M.D.

STATEMENT
OF
CHARGES

Albert Ciancimino, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 19, 1976, by the issuance of license number 129362 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between on or about September 11, 1995 and on or about October 2, 1995, Respondent prescribed controlled substances for Patient A.
 - 1. Respondent failed to keep a record for Patient A which accurately reflects evaluation and treatment of such patient, including notation of an adequate history, physical examination, and treatment record.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998) by failing to maintain a record for Patient A which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

- 1. Paragraph A-A1

DATED: October 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct