



***New York State Board for Professional Medical Conduct***

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

Nirav R. Shah, M.D., M.P.H.  
Commissioner  
NYS Department of Health  
Keith W. Servis, Director  
Office of Professional Medical Conduct

*Public*

Kendrick A. Sears, M.D.  
Chair  
Carmella Torrelli  
Vice Chair  
Katherine A. Hawkins, M.D., J.D.  
Executive Secretary

April 19, 2011

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

German Laufer, M.D.  
REDACTED

Re: Milan Medical, P.C.

Dear Dr. Laufer:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No 11-87. This order carries the penalty of revocation of the certificate of incorporation for the professional corporation listed and goes into effect April 26, 2011.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Mark L. Furman, Esq.  
Hoffman, Polland & Furman, PLLC  
220 East 42nd Street, Suite 435  
New York, NY 10017

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

**IN THE MATTER**  
**OF**  
**MILAN MEDICAL, P.C.**

ORDER

BPMC No. 11-87

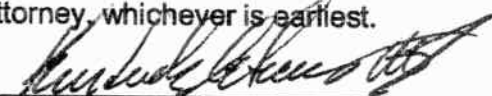
Upon the proposed Consent Agreement and Order of **MILAN MEDICAL, P.C.**, which proposed agreement is made a part hereof, it is **AGREED TO** and

**ORDERED**, that the Respondent's certificate of incorporation, which was filed by the Department of State on August 24, 2000, is hereby revoked such that the revocation shall be effective immediately and shall be self-executing, and this Order shall be deemed automatically to be the final and operative document revoking the Respondent's certificate of incorporation.

**ORDERED**, that the proposed agreement and the provisions thereof, including the Appendix to this Order, 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 of this Order to the Respondent's attorney at the address set forth in this agreement or upon transmission via facsimile to the Respondent in care of German Laufer, M.D., Chairman or Chief Executive Officer, or to the Respondent's attorney, whichever is earliest.

DATED: 4/16/11

  
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**

**MILAN MEDICAL, P.C.  
CO-09-07-4738-B**

**CONSENT  
AGREEMENT  
AND  
ORDER**

The Respondent, **MILAN MEDICAL, P.C.**, says:

The Respondent is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on August 24, 2000 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 State Board for Professional Medical Conduct, and the prehearing 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.

The Respondent is applying to the 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, provided, however, that pursuant to Article 10 of the Business Corporation Law, the Respondent will be permitted to wind up its affairs, including, but not limited to, collection of outstanding accounts receivables,

notwithstanding this revocation, 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 acknowledges that it has been charged with professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

Subject to the terms, conditions and limitations of this Consent Agreement and Order, the Respondent admits the allegations and specification set forth in the Specification of the Statement of Charges in full satisfaction of all such allegations and specifications.

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, except for the application of the provisions of Article 10 of the Business Corporation Law, 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, 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.

The Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Consent Agreement and Order by providing written responses, attending meetings or providing documentation concerning verification of its compliance with the terms of this Consent Agreement and Order.

The Respondent agrees that in the event it is charged with professional misconduct in the future for violation or non-compliance with any provision of this Consent Agreement and Order, or in the event that it is charged with professional misconduct in the future for any other type of misconduct, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

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 during the pendency of the professional misconduct disciplinary proceeding; 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 agrees that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms.

The Respondent agrees that this Consent 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 it in care of German Laufer, M.D., Chairman or Chief Executive Officer, \_\_\_\_\_, or to its attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent 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.

The Respondent stipulates that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. The Respondent asks the Board to adopt this Consent Agreement of its own free will and not under duress, compulsion or restraint. In consideration of the value to it of the Board's adoption of this Consent Agreement, allowing it to resolve this matter without the various risks and burdens of a hearing on the merits, the Respondent knowingly waives its right to contest the Consent Order for which it applies, whether administratively or judicially, the Respondent agrees to be bound by the Consent Order, and the Respondent asks that the Board adopt this Consent Agreement.

The Respondent understands and agrees that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon the Respondent's application, or to decline to do so. The Respondent further understands and agrees that no prior or separate written or oral communication can limit that discretion.

The Respondent is making this application through its Chairman or Chief Executive Officer, German Laufer, M.D., and the Respondent and German Laufer, 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 the Respondent's certificate of incorporation.


Date: March 22<sup>nd</sup> 2011

Milan Medical, P.C.


By: REDACTED  
German Laufer, M.D.  
Chairman or Chief Executive Officer

AGREED TO:

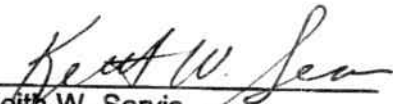
Date: 3/29, 2011

  
\_\_\_\_\_  
Mark Furman, Esq.  
Attorney for Respondent

Date: 4/7, 2011

  
\_\_\_\_\_  
Michael G. Bass, Esq.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: 4/15, 2011

  
\_\_\_\_\_  
Keith W. Servis  
Director, Office of  
Professional Medical Conduct



# EXHIBIT A

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

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IN THE MATTER  
OF  
MILAN MEDICAL, P.C.  
CO-09-07-4738-B

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STATEMENT  
OF  
CHARGES

**MILAN MEDICAL, P.C.**, Respondent, is a professional service corporation duly authorized by the filing of its certificate of incorporation with the Department of State on August 24, 2000, to practice medicine in the State of New York pursuant to Article 15 of the Business Corporation Law.

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

**FACTUAL ALLEGATIONS**

A. A professional service corporation may be organized by one or more individuals who are duly authorized by law to render the same professional service, pursuant to New York Business Corporation Law Section 1503(a).

B. On or about August 24, 2000, by a certificate of Incorporation, Respondent was formed as a professional service corporation, with GERMAN LAUFER, M.D. as the Chairman or Chief Executive Officer of such corporation.

C. From on or about August 24, 2000, to the present, GERMAN LAUFER, M.D. is and was the Chairman or Chief Executive Officer of Respondent.

D. On or about July 16, 2009, in the Supreme Court of the State of New York, County of Queens, New York, Respondent was found guilty, by way of plea, of Insurance Fraud in the 4<sup>th</sup> Degree, in violation of New York Penal Law Section 176.15, a class E felony, and on or about July 16, 2009, was sentenced, inter alia, to a three (3) year conditional discharge, \$300.00 surcharge, and a \$25.00 CVAF fee.

**SPECIFICATION**

Respondent violated New York State 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:

1. The facts in Paragraph A, B, C, and D.

DATED: *January 14*, 2011  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct