



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

February 16, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Henry H. Balzani, M.D.



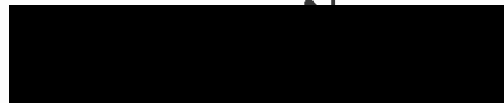
Re: License No. 258358

Dear Dr. Balzani:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 16-042. This order and any penalty provided therein goes into effect February 23, 2016.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,



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

Enclosure

cc: Richard D. Collins, Esq.
Collins Gann McCloskey & Barry, PLLC
138 Mineola Boulevard
Mineola, New York 11501

IN THE MATTER
OF
HENRY H. BALZANI, M.D.

CONSENT
ORDER

Upon the application of (Respondent) HENRY H. BALZANI, M.D. 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 Consent 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, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED

DATE 2/14/2016


CARMELA TORRELLI
Vice Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
HENRY H. BALZANI, M.D.

CONSENT
AGREEMENT

Henry H. Balzani, M.D., represents that all of the following statements are true:

That on or about August 25, 2010, I was licensed to practice as a physician in the State of New York, and issued License No. 258358 by the New York State Education Department (NYSED). I am not currently registered with NYSED Division of Professional Licensing Services (DPLS) and, if I have not previously done so, I will within 30 days of the issuance of this order notify DPLS that my license status is "inactive."

My current address is [REDACTED]

[REDACTED], 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 (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

70

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

Additionally, Respondent, by making this application, asserts that Respondent does not currently practice medicine in New York State or in any setting or jurisdiction where that practice is predicated upon Respondent's New York State medical license ("New York Practice"). As a Condition of this Order, should Respondent in the future determine to commence New York Practice, Respondent shall, prior to commencing such practice, provide ninety (90) days advance notice in writing to the Director of OPMC. Respondent may not commence such practice until after Respondent receives the Director's written acknowledgment that this Condition has been satisfied, and shall be subject to any further Conditions the Director may impose upon Respondent's New York Practice based on matters underlying this Consent Agreement and/or any circumstances or information known to the Director at the time of Respondent's proposed commencement of New York Practice. This condition shall take effect upon the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent, by making this Application, stipulates that the Director shall be authorized in his sole discretion to impose whatever further Conditions the Director deems appropriate, and

4/11/15

Respondent further stipulates that Respondent's failure to comply with such Conditions shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

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

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent 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 Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in 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 N.Y. Pub. Health Law.

11/13

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 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 me at the address in this Consent Agreement, or to my 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. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate 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. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree 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

DR

proposed agreement and Consent 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 2/9/2016



HENRY H. BALZANI, M.D.
Respondent

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

DATE:

7/12/16


RICHARD D. COLLINS, ESQ.
Attorney for Respondent

DATE:

6/2/16


GERARDO CABRERA
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

2/12/16


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER

OF

HENRY H. BALZANI, M.D.

STATEMENT
OF
CHARGES

Henry H. Balzani, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 25, 2010, by the issuance of license number 258358 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 13, 2015, the New Jersey State Board of Medical Examiners, entered into with Respondent a disciplinary "Consent Order of Reprimand", following his appearance before a Committee of the New Jersey Board. The New Jersey Board concluded that Respondent treated male patients with normal bloodwork on more than one occasion with anabolic steroids and without medical justification or adequate cause supported by testing or examination, pursuant to the New Jersey laws and regulations governing the practice of medicine, including the performance of new or novel procedures in an office setting. (N.J.S.A. 15:1-21(e); N.J.S.A. 13:35-6.7). The New Jersey Board ordered Respondent to comply thenceforth with these regulations, as well as its regulations governing the prescribing of anabolic steroids. (N.J.S.A. 13:35-7.9).

1. The conduct resulting in the New Jersey disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

- a. New York State Education Law §6530(16) (failure to comply with substantial provisions of state laws or regulations governing the practice of medicine).

SPECIFICATION OF CHARGES

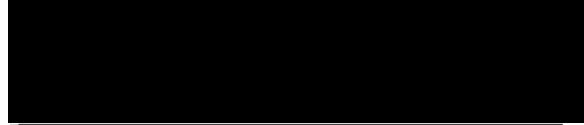
FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law 6530(16) as alleged in the facts of the following:

- I. Paragraph A and its subparagraphs.

DATE: February 12, 2016
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

140