



New York State Board for Professional Medical Conduct

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

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NYS Department of Health
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Office of Professional Medical Conduct

Public

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Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

September 29, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

563 Grand Medical, P.C.
c/o Gary Tsirelman, Esq.
65 Jay Street, Third Floor
Brooklyn, NY 11201

Re: 563 Grand Medical, P.C.
Professional Corporation

Dear Mr. Tsirelman:

Enclosed please find BPMC Order #10-182 issued by the New York State Board for Professional Medical Conduct. This order carries the penalty of revocation of the certificate of incorporation and goes into effect September 29, 2010.

Sincerely,

REDACTED

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

Enclosure

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

IN THE MATTER
OF
563 GRAND MEDICAL, P.C.

ORDER

BPMC No. #10-182

Upon the proposed Consent Agreement and Order of 563 Grand 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 March 27, 1998, 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 Leonid Slutsky, M.D., or to the Respondent's attorney, whichever is earliest.

DATED: 9-28-2010

REDACTED

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
563 GRAND MEDICAL, P.C.

CONSENT
AGREEMENT
AND
ORDER

The Respondent, 563 Grand 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 March 27, 1998 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 First 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 Leonid Slutsky, M.D., President, 19 Beverly Road, Great Neck, NY 11021, 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 President and Shareholder, Leonid Slutsky, M.D., and the Respondent and Leonid Slutsky, 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: July 20, 2010

563 Grand Medical, P.C.

By: REDACTED
Leonid Slutsky, M.D.
President and Shareholder

State of Virginia
County of King's ss.:

On the 20th day of July, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared, Leonid Slutsky, M.D., personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to within the instrument and acknowledged to me that he executed the same in his capacity as the President and Shareholder of the Respondent, the professional service corporation described in and which executed the above instrument; and that he signed his name thereto by order of the Board of Directors of said corporation, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

REDACTED
Notary Public

BOBBI C. GONZALEZ
Notary Public, State of New York
No. 01000100004
Qualified in Kings County
Commission Expires June 23, 2012

AGREED TO:

Date: 8/5, 2010

REDACTED

~~Gary Tsirelman, Esq.
Attorney for Respondent
Leonid Slutsky, M.D.
Gary Tsirelman, P.C.
65 Jay Street, Third Floor
Brooklyn, NY 11201~~

Date: September 20, 2010

REDACTED

~~Richard J. Zahnleuter, Esq.
Associate Counsel
Bureau of Professional
Medical Conduct~~

Date: 9/28, 2010

REDACTED

~~Keith W. Servis
Director, Office of
Professional Medical Conduct~~

EXHIBIT A

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

IN THE MATTER

OF

563 GRAND MEDICAL, P.C.

STATEMENT
OF
CHARGES

The Respondent is a professional service corporation duly authorized 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.

ALLEGATIONS

A. In the course of practicing medicine, the staff of the Respondent ordered excessive tests, treatment, or use of treatment facilities not warranted by the condition of a patient.

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION

The Respondent is charged with professional misconduct by reason of ORDERING OF EXCESSIVE TESTS, TREATMENT, OR USE OF TREATMENT FACILITIES NOT WARRANTED BY THE CONDITION OF THE PATIENT, in violation of the third undesignated clause of New York Education Law §6530(35). In that Petitioner charges:

1. The factual allegations in paragraph A.

DATED: *September 21*, 2010
Albany, New York

REDACTED

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