

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
JOSEPH BARGELLINI, M.D.

STATEMENT
OF
CHARGES

Joseph Bargellini, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 6, 2003, by the issuance of license number 227266 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Patient A came under the care and treatment of Respondent, a psychiatrist, on or about July 17, 2008 and on or about August 7, 2008, at his office located at the Pederson-Krag Center ("PKC") in Huntington, New York (the identity of the patients is contained in the attached Appendix). Respondent's care and treatment of Patient A failed to meet acceptable standards of medical practice, in that:
1. Under the guise of performing psychiatric and medication management evaluations, on or about July 17, 2008 and on or about August 7, 2008, Respondent asked inappropriate questions of a sexual nature and made inappropriate comments of a sexual nature to Patient A for other than a legitimate medical purpose.
 2. Respondent failed to adequately obtain and note a history of patient A's drug abuse and resulting kidney damage.

- B. On or about 8/15/2008 and on or about 8/21/2008, in the staff offices located at the PKC in Huntington, New York, Respondent made inappropriate comments of a sexual nature and asked inappropriate questions of a sexual nature to a female co-employee at PKC (the identity of the co-employee is contained in the attached Appendix).
- C. On or about July 20, 2009, in his application to Queens Hospital Center for privileges as a staff physician, Respondent answered a question in the negative, concerning whether he had ever been terminated from any institutional affiliation, when in fact he had been terminated on or about August 28, 2008 by his employer PKC, as well as on or about August 1, 2008 by his employer North Shore Child & Family Guidance Center.
1. Respondent did so knowingly.
 2. Respondent did so with intent to mislead.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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:

1. Paragraph C.

SECOND SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

2. Paragraph C. and C.1.

THIRD SPECIFICATION

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:

3. Paragraph C. and C.1. and C.2.

FOURTH SPECIFICATION

PATIENT ABUSE

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

4. Paragraph A. and A.1.

FIFTH AND 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:

5. Paragraph A. and A.1.
6. Paragraph C. and C.1 and C.2.

SEVENTH 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:

7. Paragraph A. and A.2.

DATE: September 11, 2012
New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct