



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 2, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Lee W. Hoffer, M.D.
Prisoner #30277-004
Eglin Federal Prison Camp
Eglin Air Force Base
Eglin, Florida 32540

RE: License No. 154968

Dear Dr. Hoffer:

Enclosed please find Order #BPMC 97-162 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

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: Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
LEE W. HOFFER, M.D.

SURRENDER
ORDER
BPMC #97-162

Upon the proposed agreement of LEE W. HOFFER, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

DATED: June 29, 1997


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
LEE W. HOFFER, M.D.

SURRENDER
OF
LICENSE

STATE OF)
COUNTY OF) ss.:

LEE W. HOFFER, M.D., being duly sworn, deposes and says:

On or about July 8, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 154968 by the New York State Education Department.

My current address is : Prisoner # 30277-004, Eglin Federal Prison Camp, Eglin Air Force Base, Eglin, FL 32540, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

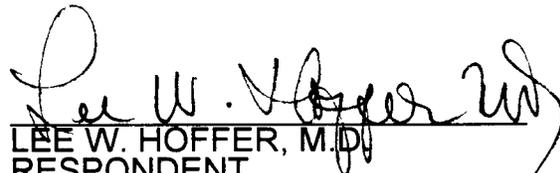
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit the first specification in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 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.

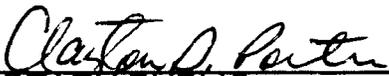
I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


LEE W. HOFFER, M.D.
RESPONDENT

Sworn to before me this

16th day of June, 1997


NOTARY PUBLIC



The undersigned agree to the attached application of the Respondent to surrender his license.

Date: _____

, Esq.
Attorney for Respondent

Date: 6/23/97



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 6/25/97



ANNE F. SAILE
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
LEE W. HOFFER, M.D.

STATEMENT
OF
CHARGES

LEE W. HOFFER, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 8, 1983, by the issuance of license number 154968 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 4, 1996, Respondent was convicted, upon a plea of guilty, of the following two counts: Conspiracy to Dispense Controlled Substances, in violation of 21 U.S.C. 841(a)(1) (Count 1); and Tampering with a Witness, in violation of 18 U.S.C. 1512, (Count 2), as follows:
1. On or about and between August 1, 1992 and May 31, 1993, in Broward County, Florida, Respondent intentionally conspired with others to distribute Schedule II controlled substances, including Oxycodone, Roxicet, Percocet, Seconal, Tuinal, Desoxyn, Dilaudid and Meperidine, outside the course of his professional practice and without legitimate medical purpose, by writing the prescriptions, by writing many of the prescriptions in the names of fictitious persons or persons not his patients, often charging the recipient of the prescriptions between \$50 and \$200 for writing the prescription, and receiving a portion of the profits from sales of some of the controlled substances which were sold for prices well above their retail cost (Count 1).

2. On or about and between December 1993 and May 18, 1994, at Broward County, Florida, Respondent knowingly attempted to corruptly persuade another person with the intent to influence the testimony of that person and others in an official proceeding, that is, he advised a witness subpoenaed to appear before Federal Grand Jury 92-03(FL) to present and induce other potential witnesses to present evasive, false and misleading testimony to the Grand Jury (Count 2).

Respondent was sentenced to imprisonment commencing June 3, 1996 for concurrent terms of 70 months on each count, a \$10,000 fine, forfeiture of \$50,000, and a special assessment of \$100.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii)(McKinney Supp. 1997) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.

DATED: May 17, 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct