



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

February 10, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Herman Alpert, M.D.
360 East 72nd Street
New York, New York 10021

RE: License No. 035661

Dear Dr. Alpert:

Enclosed please find Order #BPMC 98-32 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 17, 1998**.

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: Sheila Ginsberg Riesel, Esq.
Tenzer, Greenblatt, LLP
405 Lexington Avenue
New York, New York 10174

Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
HERMAN ALPERT, M.D.

SURRENDER
OF
LICENSE
BPMC #98-32

STATE OF NEW YORK)
COUNTY OF) ss.:

HERMAN ALPERT, M.D., being duly sworn, deposes and says:

On or about November 12, 1938, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 035661 by the New York State Education Department.

My current address is 360 E. 72nd Street, New York, N.Y., 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 do not contest 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.

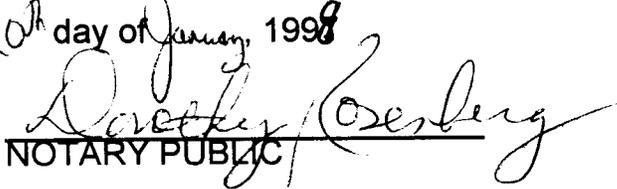
I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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.


HERMAN ALPERT, M.D.
RESPONDENT

Sworn to before me this

20th day of *January*, 1998


NOTARY PUBLIC

DOROTHY ROSENBERG
Notary Public, State of New York
No. 41-4771099
Qualified in Queens County
Commission Expires February 28, 1999

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

Date: 1/26/98


SHEILA GINSBERG RIESEL, ESQ.
Attorney for Respondent

Date: 1/30/98


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 2/4/98


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
HERMAN ALPERT, M.D.

SURRENDER
ORDER

Upon the proposed agreement of HERMAN ALPERT, 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: 2/9/98


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

EXHIBIT "A"

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

IN THE MATTER
OF
HERMAN ALPERT, M.D.

STATEMENT
OF
CHARGES

HERMAN ALPERT, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 12, 1938, by the issuance of license number 035661 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 4, 1997, Respondent was convicted upon a guilty plea of Falsifying Business Records in the Second Degree, a class A misdemeanor, in violation of N.Y. Penal Law Sec. 170.05, in that on or about January 28, 1994, with an intent to defraud, Respondent made an entry in the medical records of D.S., a Medicaid recipient, which falsely reflected that such individual had been furnished with medical care on January 28, 1994, when, in fact, Respondent wrote prescriptions for Xanax and Klonopin for D.S. without conducting any medical test or examination. Respondent was sentenced to a three year period of conditional discharge and restitution of \$10,000.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (N.Y.S.)

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

1. Paragraph A.

DATED: December , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct