



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

August 24, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Victor Berman, M.D.
P.O. Box 36
Placeda, Florida 33946

RE: License No. 093033

Effective Date: 08/31/95

Dear Dr. Berman:

Enclosed please find Order #BPMC 95-188 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

cc: Paul Stein, Esq.

IN THE MATTER
OF
VICTOR M. BERMAN, M.D.

SURRENDER
ORDER
BPMC #95-188

Upon the Application of VICTOR M. BERMAN, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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: 21 August 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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.

Victor M. Berman, M.D.

VICTOR M. BERMAN, M.D.
Respondent

Sworn to before me this
11 day of August, 1995

Fleurette Myers
NOTARY PUBLIC

FLEURETTE MYERS
Notary Public, State of New York
Reg. #4719090
Qualified in Ulster County
Commission Expires January 31, 1997

IN THE MATTER
OF
VICTOR M. BERMAN, M.D.

APPLICATION TO
SURRENDER
LICENSE

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

Date: 8-11, 1995 *Victor M. Berman, M.D.*
VICTOR M. BERMAN, M.D.
Respondent

Date: _____, 1995 _____
Attorney for Respondent

Date: 8-15, 1995 *Paul Stein*
PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 8-17, 1995 *Kathleen M. Tanner*
for KATHLEEN M. TANNER
Director
Office of Professional
Medical Conduct

Date: 21 August, 1995 *Charles J. Vacanti*
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
VICTOR M. BERMAN, M.D.

STATEMENT
OF
CHARGES

VICTOR M. BERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on February 10, 1965 by the issuance of license number 093033 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. 1. On or about April 7, 1993, the Medical Board of California (hereinafter referred to as "the Medical Board") issued Accusation No. D-5153 alleging that Respondent had violated California Business and Professions Code section 2234 (b), (c), and (d), in that between March 20 and October 29, 1989, Respondent had engaged in conduct in his obstetrical practice that constituted gross negligence, repeated negligent acts, and incompetence.

2. On or about October 13, 1994, Respondent executed a Stipulation for Settlement (regarding Accusation No. D-5153) that was submitted for the consideration of the Medical Board on October 19, 1994. In this Stipulation, Respondent agreed that the Medical Board was able to establish a prima facie case as to the truth of the factual allegations of the Accusation, and Respondent waived his right to defend against them.

3. In the above-mentioned Stipulation for Settlement, Respondent agreed to a sanction that included: revocation of his license to practice as a physician and surgeon in the state of California; the staying of that revocation; a three year period of probation on various terms, including permanent suspension from the practice of obstetrics and gynecology pending his completion with a passing score of an oral competency examination in this specialty within the three year probationary period, and on-site monitoring of any general family practice by a certified specialist in general family practice pursuant to a plan approved by the Board.

4. On or about December 12, 1994, the Medical Board issued a Decision and Order adopting the above-mentioned Stipulation for Settlement.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN BY A DULY AUTHORIZED PROFESSIONAL DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530(9)(d) (McKinney Supp. 1995), in that he had his license to practice medicine revoked, suspended or had other disciplinary action taken 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

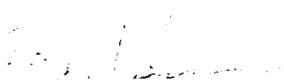
would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely:

- a. Practicing the profession with gross negligence (N.Y. Educ. Law sec. 6530 (4) (McKinney Supp. 1995)); and/or
- b. Practicing the profession with negligence on more than one occasion (N.Y. Educ. Law sec. 6530 (3) (McKinney Supp. 1995)); and/or
- c. Practicing the profession with incompetence on more than one occasion (N.Y. Educ. Law sec. 6530 (5) (McKinney Supp. 1995)),

as Petitioner specifically alleges:

1. The facts in Paragraph A1 through A4.

Dated: New York, New York
July 2, 1995



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct