



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

October 8, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Raphael Bazin, M.D.
19 Gilchrest Road
Great Neck, New York 11021

RE: License No. 103564

Dear Dr. Bazin:

Enclosed please find Order #BPMC 97-243 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: Sonya Koloyanides, Esq.
McLaughlin & Stern, LLP
260 Madison Avenue, 18th Floor
New York, New York 10016

David W. Smith, Esq./Michelle Tong, Esq.

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

IN THE MATTER
OF
RAPHAEL BAZIN, M.D.

CONSENT
ORDER

BPMC #97-243

Upon the proposed agreement of RAPHAEL BAZIN, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 by certified mail, whichever is earliest.

SO ORDERED.

DATED: 9/30/97


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
RAPHAEL BAZIN, M.D.

CONSENT
AGREEMENT
AND
ORDER

STATE OF NEW YORK)
COUNTY OF *NEW YORK*) ss.:

RAPHAEL BAZIN, M.D., being duly sworn, deposes and says:

That on or about June 13, 1969, I was licensed to practice as a physician in the State of New York, having been issued License No. 10354 by the New York State Education Department.

My current address is 19 Gilchrest Road, Great Neck, New York 11021, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with seven specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I assert that I cannot successfully defend against the seventh specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. My license shall be suspended for a period of two years, which will be entirely stayed.
2. I shall be placed on probation for a two year period in accordance with the Terms of Probation attached hereto as Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

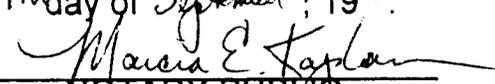
I agree that, in the event the Board grants my Application, as set forth

herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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



RAPHAEL BAZIN, M.D.
RESPONDENT

Sworn to before me this
10th day of *September*, 19*97*


NOTARY PUBLIC

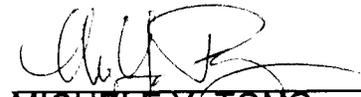
MARCIA E. KAPLAN
Notary Public, State of New York
No. 31-4786421
Qualified in New York County
Commission Expires November 30, 19*97*

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

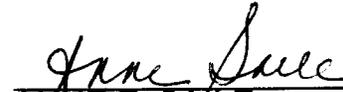
DATE: September 19, 1997


SONYA KALOYANIDES, ESQ.
Attorney for Respondent

DATE: 7/19/97


MICHELE Y. TONG
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: September 26, 1997


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
RAPHAEL BAZIN, M.D.

AMENDED
STATEMENT
OF
CHARGES

RAPHAEL BAZIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 13, 1969 by the issuance of license number 10354 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between in or about October and November, 1990, Respondent treated Patient A for bruises and other injuries at his office at 2215 Hendrickson Street, Brooklyn, New York.
1. Respondent inappropriately diagnosed Patient A with the following:
 - a. Fracture of right medial malleolus.
 - b. Tear of fibula collateral ligaments of right ankle.
 - c. Fracture of the left ninth, tenth and twelfth ribs.
 2. Respondent also diagnosed Patient A with a tear of collateral ligaments of the left ankle. He then inappropriately applied to both ankles and both feet short leg casts.

3. When Patient A first saw Respondent, he informed Respondent that his insurance carrier was Blue Cross/Blue Shield. Although Respondent was a participating provider in Blue Cross/Blue Shield and obligated to accept such insurance coverage, he knowingly, falsely and with intent to deceive refused to accept the Blue Cross/Blue Shield coverage. He then knowingly, falsely and with intent to deceive, billed and received from Patient A the sum of \$1250.00, to which he was not entitled.
 4. Patient A returned to Respondent in or about November, 1990 to have the short leg casts replaced. Respondent again knowingly, falsely and with intent to deceive refused to accept the Blue Cross/Blue Shield coverage. He then knowingly, falsely and with intent to deceive, billed and received from Patient A the sum of \$500.00, to which he was not entitled.
 5. Thereafter, knowingly, falsely and with intent to deceive Respondent billed Blue Cross/Blue Shield for treatment of the inappropriate diagnoses set forth above in Paragraph 1 and for the application and replacement of short leg casts as set forth in Paragraphs 2, 3, and 4 above, despite the fact that Patient A had already paid for such treatment.
- B. Between in or about February, 1992, and May, 1992, Respondent treated Patient B in his office at 2215 Hendrickson Street, Brooklyn, New York for injuries sustained as the result of an automobile accident

1. Respondent inappropriately diagnosed Patient B with a fractured wrist which she did not have and inappropriately put her wrist in a cast.
2. Respondent then inappropriately administered three months of physical therapy to Patient B.
3. Respondent knowingly, falsely and with intent to deceive billed Allstate Insurance Company, the insurance carrier for Patient B, for the false diagnosis and medically unwarranted casting of the fractured wrist and nine months of medically unwarranted physical therapy.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1997) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A and A1-2 and B and B1,2 and 4.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1997) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1-2 and B and B1, 2, and 4.

THIRD AND FOURTH SPECIFICATIONS
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraphs A and A1, 3-5.
4. Paragraphs B and B1-3.

FIFTH AND SIXTH SPECIFICATIONS
MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1997) 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. Paragraphs A and A1, 3-5.
6. Paragraphs B and B1-3.

SEVENTH SPECIFICATION
UNWARRANTED TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1997) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient as alleged in the facts of the following:

7. Paragraphs B, B1 and B2.

DATED: September , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent shall make available for review by OPMC, and/or in OPMC's discretion, by a physician proposed by Respondent and approved, in writing, by the Director of OPMC, complete copies of any and all medical and office records selected by OPMC. Respondent shall fully cooperate in the review process.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.