



**New York State 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 of Health

Charles J. Vacanti, M.D.  
Chair

September 20, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Emil Beheshti, M.D.  
52-05 Seabury Street  
Elmhurst, New York 11373

RE: License No. 097428

Dear Dr. Beheshti:

Effective Date: 09/27/96

Enclosed please find Order #BPMC 96-219 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,

Charles Vacanti, M.D.  
Chair

Board for Professional Medical Conduct

Enclosure

cc: David Smith, Esq.



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

IN THE MATTER  
OF  
EMIL BEHESHTI, M.D.

APPLICATION TO  
SURRENDER  
LICENSE

STATE OF NEW YORK )  
COUNTY OF *QUEENS* )

ss.:

EMIL BEHESHTI, M.D., being duly sworn, deposes and says:

In or about 1966, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 097428 by the New York State Education Department.

My current address is 52-05 Seabury Street, Elmhurst, New York.

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

I hereby assert that I cannot successfully defend myself against such specifications and apply to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York.

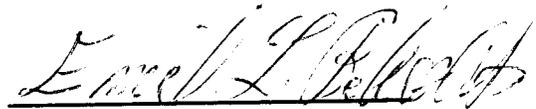
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

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



EMIL BEHESHTI, M.D.  
Respondent

Sworn to before me this

9<sup>th</sup> day of Sept., 1996



NOTARY PUBLIC

DAVID I. MUNGRA  
Notary Public-State of New York  
No. 41-5010809  
Qualified in Queens County  
Commission Expires April 5, 1997

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

IN THE MATTER  
OF  
EMIL BEHESHTI, M.D.

APPLICATION TO  
SURRENDER  
LICENSE

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

Date: 9/9/96, 1996



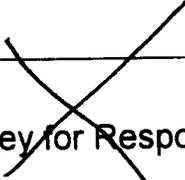
Sworn Before Me This

9<sup>th</sup> day of Sept. 1996

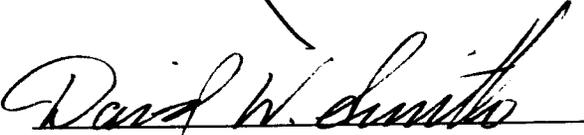
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EMIL BEHESHTI, M.D.  
Respondent

Date: \_\_\_\_\_, 1996

  
\_\_\_\_\_  
Attorney for Respondent

Date: 9/11, 1996



DAVID W. SMITH  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: September 18 1996

Anne Saile

ANNE F. SAILE  
Acting Director  
Office of Professional Medical Conduct

Date: September, 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
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  
EMIL BEHESHTI, M.D.

STATEMENT  
OF  
CHARGES

Emil Beheshti, M.D., the Respondent, was authorized to practice medicine in New York State in 1966 by the issuance of license number 097428 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Between in or about June, 1990 through in or about 1991, Respondent treated Patient A for vaginal bleeding and discharge and other medical conditions at his office at 52-05 Seabury Street, Elmhurst, New York. (All patients are identified in the Appendix hereto.)
1. In or about June of 1990, laboratory tests revealed Patient A had a hematocrit of 29.5 and an E Coli infection. Nevertheless, Respondent failed adequately to evaluate, follow-up or treat these conditions or note such evaluation, follow-up or treatment, if any.

2. Respondent diagnosed Patient A with pelvic inflammatory disease but failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
3. During the period, Respondent on more than one occasion inappropriately manipulated the cervix of Patient A.
4. In 1991, Respondent inappropriately diagnosed Patient A with cervical dysplasia.
5. If, in fact, Patient A had cervical dysplasia, Respondent failed adequately to evaluate, follow-up or treat such condition, or note such evaluation, follow-up or treatment, if any.
6. In or about December, 1990, Respondent inappropriately diagnosed Patient with a papilloma growth.

B. Between in or about August, 1987 and in or about August, 1990, Respondent treated Patient B for pelvic infection and other medical conditions at his office at 52-05 Seabury Street, Elmhurst, New York.

1. In or about August, 1987, Respondent diagnosed Patient B with "breast lesion" but failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

2. During the period, on more than one occasion, Respondent inappropriately performed or caused to be performed hydro tubation on Patient B.

3. At various times throughout the period, Respondent inappropriately performed on Patient B fulguration, cauterization of the cervix, urethral dilatation and an endometrial biopsy.

4. Throughout the period, Respondent diagnosed Patient B with

pelvic inflammatory disease but failed adequately to evaluate, follow-up or treat such condition or note such evaluation follow-up or treatment, if any.

C. Between in or about December, 1988, and in or about July, 1991, Respondent treated Patient C for breast tenderness and other medical conditions at his office at 52-05 Seabury Street, Elmhurst, New York.

1. In December, 1988, Respondent inappropriately diagnosed Patient C with "breast lesion" and "pelvic inflammatory disease".
2. If, in fact, Patient C had either a breast lesion or pelvic inflammatory disease, Respondent failed adequately to evaluate, follow-up or treat such conditions or note such evaluation, follow-up or treatment, if any.
3. In or about May and September, 1989, and July, 1990, Respondent diagnosed Patient C with an ovarian cyst but failed

adequately to evaluate, follow-up or treat such condition or  
note such evaluation, follow-up or treatment, if any.

4. In July, 1990, Respondent diagnosed Patient C with hematuria  
but failed adequately to evaluate, follow-up or treat such condition  
or note such evaluation, follow-up or treatment, if any.
  5. In or about March, 1991, Patient C complained of bloody stool but  
Respondent failed adequately to evaluate, follow-up or treat such  
condition, or note such evaluation, follow-up or treatment, if any.
- D. Between in or about December, 1987 and in or about January, 1991,  
Respondent treated Patient D for low grade fever and other medical  
conditions at his office at 52-05 Seabury Street, Elmhurst, New York.
1. In or about December, 1987, Respondent diagnosed Patient D  
with left breast lesion and urinary tract infection but failed  
adequately to evaluate follow-up or treat such conditions or note

such evaluation, follow-up or treatment, if any.

2. In or about January, 1988, Respondent inappropriately performed a needle biopsy on Patient D.

3. In or about March, 1988, Respondent diagnosed Patient D with hematuria but failed adequately to follow-up or treat such condition or note such follow-up or treatment, if any.

E. Between in or about February, 1988 and in or about March, 1991, Respondent treated Patient E for menopausal symptoms and other medical conditions at his office at 52-05 Seabury Street, Elmhurst, New York.

1. Patient E complained of abnormal bleeding but Respondent failed adequately to evaluate, follow-up or treat such condition or to note such evaluation, follow-up or treatment, if any.

2. Respondent performed an incision and drainage of a vulvar abscess on Patient E but failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
  
3. In or about may, 1988, Respondent inappropriately diagnosed Patient E with parametritis.
  
4. In or about October, 1989 and in or about January, 1990, Respondent diagnosed Patient E with endometrial hyperplasia but failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
  
5. In July, 1991, Respondent diagnosed Patient E with a right adnexal mass and a left breast mass but failed adequately to evaluate, follow-up or treat such conditions or note such evaluation, follow-up or treatment, if any.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct in practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3)(McKinney Supp. 1995). Specifically, Petitioner charges:

1. The facts in Paragraphs A and A1-6; B and B1-4; C and C1-5; D and D1-3; and/or E and E1-5.

## **SECOND SPECIFICATION**

### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct in practicing the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law §6530(5)(McKinney Supp. 1995). Specifically, Petitioner Charges:

2. The facts in Paragraphs A and A1-6; B and B1-4; C and C1-5; D and D1-3; and/or E and E1-5.

## **THIRD AND FOURTH SPECIFICATIONS**

### **EXCESSIVE TEST AND/OR TREATMENT**

Respondent is charged with professional misconduct in the ordering of excessive tests or treatment not warranted by the condition of the patient within the meaning of N.Y. Educ. Law §6530(35)(McKinney Supp. 1995). Specifically, Petitioner charges:

3. The facts in Paragraphs A and A3.
4. The facts in Paragraphs B and B2, 3.

**FIFTH THROUGH NINTH SPECIFICATIONS**

**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with professional misconduct in failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient within the meaning of N.Y. Educ. Law §6530(32)(McKinney Supp. 1995).

Specifically, Petitioner charges:

5. The facts in Paragraphs A and A1, 2, 5.
6. The facts in Paragraphs B and B1, 4.
7. The facts in Paragraphs C and C2-5.
8. The facts in Paragraphs D and D1, 3.
9. The facts in Paragraphs E and E1, 2, 4, 5,

DATED: New York, New York

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**ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct**