



**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*

January 18, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

John Louis Hochberg, M.D.  
Route 35 Professional Center  
P.O. Box 36  
South Amboy, New Jersey 08871

Re: License No. 155012

Dear Dr. Hochberg:

Effective Date: 01/25/96

Enclosed please find Order #BPMC 96-8 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 J. Vacanti, M.D.  
Chair

Board for Professional Medical Conduct

Enclosure

cc: William J. Salmond, Esq.  
Kroll & Tract  
1 Gateway Center, 17th Floor  
Newark, New Jersey 07102-5311

Timothy J. Mahar, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
JOHN LOUIS HOCHBERG, M.D. : BPMC #96-8

-----X

Upon the application of JOHN LOUIS HOCHBERG, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

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: 17 January 1996

Charles J. Vacanti

Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



to be tolled until such time as I advise the Office of Professional Medical Conduct in writing that I am actively engaged in the practice of medicine in the State of New York. Said period of probation will commence upon the date of such notification. The term of probation shall only run during the period in which I am actively engaged in the practice of medicine in the State of New York.

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.

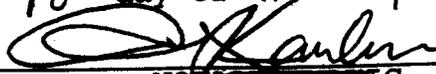
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

  
\_\_\_\_\_  
John Louis Hochberg, M.D.  
RESPONDENT

Sworn to before me this

10<sup>th</sup> day of JANUARY, 1996.

  
\_\_\_\_\_  
~~NOTARY PUBLIC~~  
ALAN J. KARCHER  
ATTORNEY AT LAW  
STATE OF NEW JERSEY

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

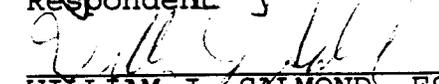
-----X  
: APPLICATION  
IN THE MATTER :  
OF : FOR  
: CONSENT  
JOHN LOUIS HOCHBERG, M.D. :  
: ORDER  
-----X

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

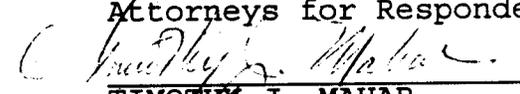
DATE: 1/10/1996

  
JOHN LOUIS HOCHBERG, M.D.  
Respondent

DATE: 1/10/96

  
WILLIAM J. SALMOND, ESQ.  
of Counsel to Kroll & Tract  
Attorneys for Respondent

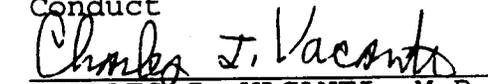
DATE: 1/12/96

  
TIMOTHY J. MAHAR  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: 1/17/96

  
ANNE F. SAILE  
*Acting* Assistant Director  
Office of Professional Medical  
Conduct

DATE: 17 January 1996

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

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JOHN LOUIS HOCHBERG, M.D. : CHARGES

-----X

JOHN LOUIS HOCHBERG, M.D., the Respondent, was authorized to practice medicine in New York State on July 15, 1983, by the issuance of license number 155012 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. On or about April 24, 1994, the Respondent entered into a stipulated consent order with the New Jersey State Board of Medical Examiners (hereinafter New Jersey Board), wherein Respondent consented to the following discipline against his New Jersey medical license:

- a. A one year stayed suspension of his New Jersey medical license with a one year term of probation;
- b. Respondent's attendance and completion of a course on the subject of prescribing and distributing medications;
- c. The payment of a \$2,500.00 fine.

2. The conduct underlying the New Jersey Board's imposition of discipline upon Respondent included the following:

EXHIBIT A

- a. On or about June 9, 1992, Respondent wrote a prescription for Dilantin for Patient B.G.D. The prescription, as subsequently modified by Respondent, instructed the patient to take 200 milligrams of Dilantin four times a day for one week. This prescription was excessive both as to the amount of Dilantin to be taken and the period of time for which it was to be used.
- b. Respondent failed to adequately advise B.G.D. as to the potential adverse effects of Dilantin.
- c. Respondent permitted a non-licensed medical student to administer a Valium injection to Patient B.G.D. on June 9, 1992.
- d. Respondent failed to maintain an adequate medical record as to Patient B.G.D., including but not limited to, failing to identify the provider of the medical services to the patient where there was more than one potential provider present in Respondent's office.

3. The conduct upon which the New Jersey Board took disciplinary action against Respondent's license, would if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing the profession with negligence on more than one occasion; §6530(4) [practicing the profession with gross negligence on a particular occasion]; §6530 (11) [permitting, aiding or betting an unlicensed person to preform activities requiring a license]; §6530 (25) [delegating professional responsibilities to a person when the licensee delegating such responsibility knows or has reason to know that such a person is not qualified by training, experience, or licensure to perform them]; and/or §6530(32) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient].

**SPECIFICATION OF MISCONDUCT**

**FIRST SPECIFICATION**

**Discipline By Other State**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(9)(d) (McKinney Supp.1995) by reason of having disciplinary action taken against his license to practice by a duly authorized and professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1 through 3.

DATED: *December 1, 1995*  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. John Louis Hochberg, M.D, during the period of probation; shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York; at such time as Respondent should undertake to practice medicine in the State of New York and more particularly, Respondent shall immediately advise the Director of OPMC in writing, certified mail return receipt requested, that he is actively engaged in the practice of medicine in the State of New York; failure to timely provide or the failure to provide such notice shall be a violation of these probationary terms;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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).
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.