



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

October 11, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Alan Brody, M.D.
11451 South Glen Road
Potomac, MD 20854

RE: License No. 139695
Effective Date: 10/18/94

Dear Dr. Brody:

Enclosed please find Order #BPMC 94-209 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

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
ALAN BRODY, M.D. : BPMC 94-209

-----X

Upon the application of ALAN BRODY, 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: 7 October 1994

Charles J. Vacanti

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

Statement of Charges.

5. I hereby agree to the following penalties:
 - (a) Suspension of my license for three years, such suspension stayed.
 - (b) A three year period of probation, under the Terms of Probation set forth and attached hereto as "Exhibit B," which period shall begin on the effective date of the Order issued pursuant to this Application and which period shall run only during those times when I am engaged in the practice of medicine in New York State.

6. I hereby make this Application to the Board and request that it be granted.

7. I understand that, in the event 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 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.

8. 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.

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



ALAN BRODY, M.D.
RESPONDENT

Sworn to before me this

28th day of September, 1994.



NOTARY PUBLIC

6-1-95

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ALAN BRODY, M.D. : CONSENT
: ORDER
-----X

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

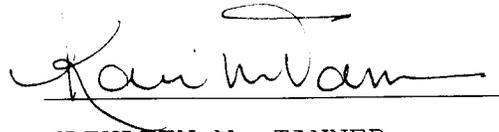
DATE: 9/28/94 
ALAN BRODY, M.D.
Respondent

DATE: 9/28/94 
FRED JOSEPH, ESQ.
Attorney for Respondent

DATE: 9/30/94 
CINDY M. FASCIA
Associate COUNSEL
Bureau of Professional
Medical Conduct

DATE:

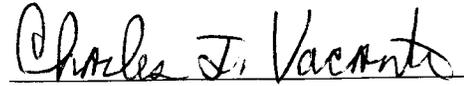
00.5, 1994



KATHLEEN M. TANNER
DIRECTOR
Office of Professional
Medical Conduct

DATE:

7 October 1994



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
ALAN BRODY, M.D. : CHARGES

-----X

ALAN BRODY, M.D., the Respondent, was authorized to practice medicine in New York State on September 21, 1979 by the issuance of license number 139695 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine for the period. Respondent's last known address is: 11451 S. Glen Road, Potomac, Maryland 20854.

FACTUAL ALLEGATIONS

1. Respondent, on or about March 4, 1992, entered into a Consent Order with the Maryland State Board of Physician Quality Assurance, the duly authorized professional disciplinary agency of that state.

2. Respondent, in said Consent Order, admitted that:
the evidence demonstrates that the Respondent willfully made or filed a false report in the practice of medicine in regard to matters surrounding the Respondent's treatment of

Patient A; and that the Respondent willfully submitted false statements to collect fees for which services were not provided.

3. The Maryland Board, in said Consent Order, concluded that "Respondent committed prohibited acts under §14-404(a)(11) and (24) of the Act" [Maryland Medical Practice Act]. The Board concluded as a matter of law that Respondent "willfully made or filed a false report or record in the practice of medicine; and willfully submitted false statements to collect fees for which services were not provided."

4. Respondent, under the terms of said Consent Order, had his license to practice medicine in Maryland suspended. The suspension was stayed, and Respondent was placed on probation for a period of three (3) years. Respondent, under the terms of probation, was ordered to reimburse the Travelers Insurance Company \$895.70 and administrative costs, and was ordered to reimburse Lincoln National Insurance Company \$3,675.00 for patient overbilling in regard to Patient A. Respondent was also subject to annual peer review of his practice by the Suburban Maryland Psychiatric Society Peer Review Committee, and agreed to selection of a psychiatrist to review his patient treatment, billings, and records on a quarterly basis. Respondent agreed to undergo personal psychotherapy with a psychiatrist during the period of his probation. Respondent was also ordered to perform

two hundred (200) hours of community service involving the delivery of mental health services, and to complete a continuing medical education course in medical ethics and medical recordkeeping.

5. Respondent's conduct upon which the Maryland Board's finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York state, specifically N.Y. Educ. Law §6530 (21) [willfully making or filing a false report], and/or N.Y. Educ. Law §6530 (2) [practicing the profession fraudulently].

SPECIFICATION

Respondent is charged with professional misconduct pursuant to N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994), by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based 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 5.

DATED: Albany, New York

June 20, 1994

Peter D. Van Buren

Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

ALAN BRODY, M.D.

1. Respondent shall conduct himself during the period of probation in a manner befitting his professional status and shall conform fully to the ethical and professional standards of conduct imposed by law and his profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereinafter "OPMC"] of his employment and practice, of Respondent's residence and telephone number. Respondent shall notify OPMC in writing of any change in Respondent's employment, practice, residence, or telephone number within or without New York State. Said written notification shall be within thirty days of the change.
3. Respondent shall submit to OPMC, no later than three months after the effective date of this Order, 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 with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than two months after the effective date of this Order, written proof that (a) 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 medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may every three months during the probation period review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, or any other reasonable means of reviewing Respondent's practice of medicine. Respondent's cooperation shall include, without limitation, providing at the direction of the Medical Coordinator or other physician, the names, medical treatment or evaluation provided and/or medical records of patients Respondent has seen.

6. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
7. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.