



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

March 16, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alvin Wertentheil, M.D.
2361 Lemoine Avenue
Fort Lee, New Jersey 07024

RE: License No. 103775
Effective Date: 3/23/94

Dear Dr. Wertentheil:

Enclosed please find Order #BPMC 94-39 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

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IN THE MATTER :

OF :

ALVIN WERTENTHEIL, M.D. : ORDER
BPMC #94-39

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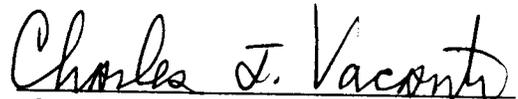
Upon the application of Alvin Wertentheil, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

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: 11 Mar 1994



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

Patient A and Patient B which accurately reflect my evaluation and treatment of these two patients, pursuant to N.Y. Educ. Law. Sec. 6530(32) (McKinney Supp. 1994) in full satisfaction of the charges against me.

I hereby agree to the penalty of Censure and Reprimand. I further stipulate that I have not practiced medicine in the State of New York for more than three years, I do not currently practice medicine in the State of New York, and I do not intend to practice medicine in the State of New York again.

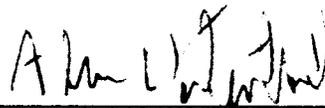
If, however, I resume my practice of medicine in the State of New York, I agree to notify the director of the Office of Professional Medical Conduct of such intention and I agree that the chairperson of the State Board for Professional Medical Conduct may issue an order, on behalf of the Board, directing that my practice of medicine be monitored, as specified in N.Y. Pub. Health Law Sec. 230(17)(c) (McKinney Supp. 1994), and that said order shall have the same force and effect as an order issued after a proceeding pursuant to Section 230(17) and its subsections. I agree that said monitoring may be continued for a period of two (2) years, and said period shall commence at the time I resume my 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.

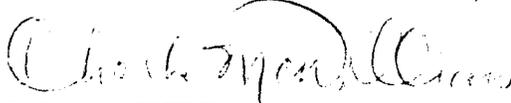
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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



ALVIN WERTENTHEIL, M.D.
RESPONDENT

Sworn to before me this
15th day of March, 1974.



NOTARY PUBLIC

CHARLES McWILLIAMS
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAR. 17, 1997

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
ALVIN WERTENTHEIL, 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:

5/1/94


ALVIN WERTENTHEIL, M.D.
RESPONDENT

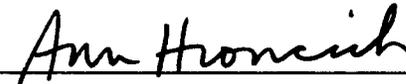
Date:

3/3/94


MARVIN L. TENZER, ESQ.
ATTORNEY FOR RESPONDENT

Date:

3-4-94

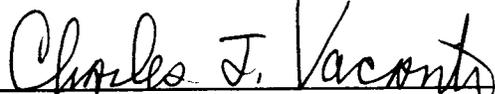

ANN HRONCICH
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: March 15, 1994



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 11 March 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
ALVIN WERTENTHEIL, M.D. : CHARGES

-----X

ALVIN WERTENTHEIL, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1969, by the issuance of license number 103775, by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 to December 31, 1994, at 2361 Lemoine Avenue, Fort Lee, New Jersey 07024.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, who at the time was 80 years old, at his office, which is located at 133 East 73 Street, New York, New York, from approximately December 1988 to approximately March 1989, and at Beekman Downtown Hospital, which is located at 170 William Street, New York, New York, in approximately December 1988, February 1989 and March 1989. (The identities of Patient A, Patient A's daughter, and

"EXHIBIT A"

Patient B are disclosed in the attached Appendix.) Respondent was treating Patient A for prostate cancer.

1. During Patient A's initial visit with Respondent on or about December 23, 1988, Respondent failed to take or note an adequate history.
 2. Respondent failed to perform or note an adequate initial physical examination and/or evaluation and/or failed to perform or note adequate follow-up examinations and/or evaluations relative to Patient A's condition and/or treatment.
 3. Respondent inappropriately administered a potentially toxic regimen of Adriamycin, Platinol and Methotrexate with Leucovorin rescue to Patient A despite its potential risk to this particular patient. Respondent also failed to obtain informed consent from Patient A for such treatment or to note that such consent was obtained.
 4. Respondent failed to note his method of administration of the aforesaid agents, and he failed to note the dose and schedule of Leucovorin rescue.
 5. In approximately December 1988, February 1989, and March 1989, Respondent knowingly and intentionally falsely represented to Patient A's daughter that he was affiliated with the Mount Sinai Medical Center.
 6. In approximately April 1989, Respondent knowingly and intentionally falsely stated to Patient A's daughter that he was involved in a very serious car accident in which his car was "totalled", he was nearly killed, and that Patient A's medical records were stolen from the trunk of that car.
- B. Respondent treated Patient B, who at the time was 74 years old, at his office, which is located at 133 East 73 Street, New York, New York, from approximately December 1979 to approximately March 1981, and at Beth Israel Medical Center, which is located at First Avenue and 16th Street, New York,

New York, from approximately December 1979 to January 1980, and in approximately July 1981. Respondent was treating Patient B for prostate cancer.

1. During Patient B's initial visit with Respondent on or about December 11, 1979, and on subsequent visits, Respondent failed to take or note an adequate history.
2. Respondent failed to perform or note an adequate initial physical examination and/or evaluation and failed to perform or note adequate follow-up examinations and/or evaluations relative to Patient B's condition and/or treatment.
3. Respondent inappropriately administered three different chemotherapy regimens in only four treatment cycles without documenting the reason(s) for that course of treatment. Respondent also failed to obtain informed consent from Patient B for such treatment or to note that such consent was obtained.
4. On or about July 1, 1980, Respondent inappropriately treated Patient B with chemotherapy.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1994), in that Petitioner charges Respondent with having committed at least two of the following:

1. The facts contained in paragraphs A., A.1., A.2., A.3., and/or A.4., B., B.1., B.2., B.3., and/or B.4.

SECOND SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Section 6530(4) (McKinney Supp. 1994), in that Petitioner charges Respondent with having committed the following:

2. The facts contained in paragraphs A., A.1., A.2., A.3., and/or A.4.

THIRD SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1994), in that Petitioner charges Respondent with the following:

3. The facts contained in paragraphs A., A.5., and/or A.6.

FOURTH THROUGH FIFTH SPECIFICATIONS

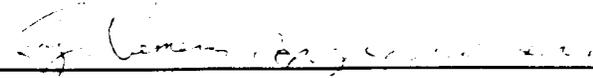
FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1994), in that he failed to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient, in that Petitioner charges:

4. The facts contained in paragraphs A., A.1., A.2., A.3., and/or A.4.

5. The facts contained in paragraphs B., B.1., B.2., and/or B.3.

DATED: New York, New York
February 7 1994



Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct