



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Public

Kendrick A. Sears, M.D.
Chairman

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

June 14, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ross J. Brechner, M.D.
3 Dutton Court
Catonsville, MD 21228

Re: License No. 173292

Dear Dr. Brechner:

Enclosed is a copy of Modification Order #BPMC 01-18 of the New York State Board for Professional Medical Conduct. This modification order and any penalty provided therein goes into effect June 21, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the 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

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

IN THE MATTER
OF
ROSS J. BRECHNER, M.D.

MODIFICATION
ORDER
BPMC No. #01-18

Upon the proposed Application for a Modification Order of **ROSS J. BRECHNER, M.D.** (Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at the address in the attached Application or certified mail to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 6-13-06



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
ROSS J. BRECHNER, M.D.

APPLICATION TO
MODIFY ORDER
BPMC # 01-18

ROSS J. BRECHNER, M.D., (Respondent) deposes and says:

That on or about December 21, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 173292 by the New York State Education Department.

My current address is 3 Dutton Ct. Catonsville, MD 21228, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I am currently subject to BPMC Order No. 01-18, dated January 25, 2001, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued upon a Consent Agreement and Order signed by me on January 19, 2001, (hereinafter "January 19, 2001, Application"), adopted by the Original Order.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the language in the Original Order that states:

" My license to practice medicine is permanently restricted to prohibit me from practicing ophthalmologic surgery." and

" That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York 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 will continue while the licensee possess his/her license; and"

substituting therefore:

"that I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

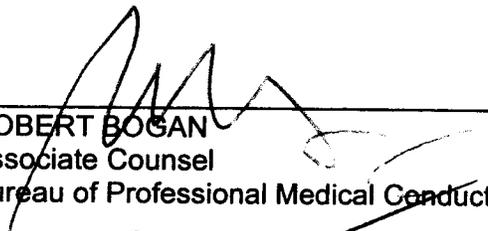
AFFIRMED:

DATED: 5/29/06


ROSS J. BRECHNER, M.D.
Respondent

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

DATE: 06/01/06


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12 June 2006


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

Office of Professional Medical Conduct

January 25, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ross J. Brechner, M.D.
1501 East Captain Dreyfus Avenue
Phoenix, AZ 85022

RE: License No. 173292

Dear Dr. Brechner:

Enclosed please find Order #BPMC 01-18 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 25, 2001.

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 to 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: Duane Olson, Esq.
7243 N. 16th Street
Phoenix, AZ 85020

Robert Bogan, Esq.

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

IN THE MATTER
OF
ROSS J. BRECHNER, M.D.

CONSENT
AGREEMENT
AND ORDER

BPMC No. 01-18

ROSS J. BRECHNER, M.D., (Respondent) deposes and says:

That on or about December 21, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 173292 by the New York State Education Department.

My current address is 1501 East Captain Dreyfus Avenue, Phoenix, AZ 85022 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

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

I have not practiced medicine in New York state in over twelve (12) years and I do not intend to return to practice in New York state. I, therefore, do not contest the one (1) specification, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

My license to practice medicine is permanently restricted to prohibit me from practicing ophthalmologic surgery.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's 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 will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the 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.

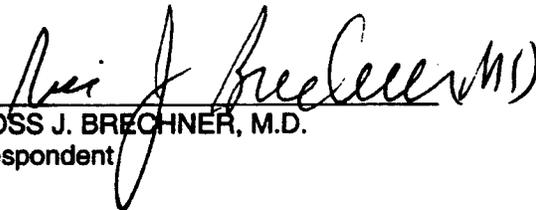
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

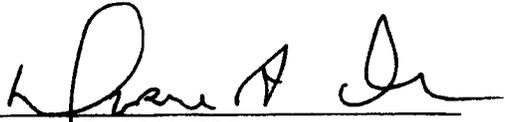
AFFIRMED:

DATED: 1/19/01

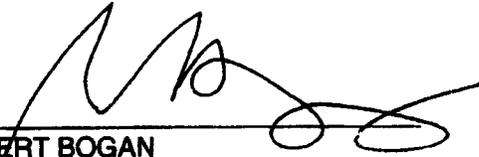

ROSS J. BRECHNER, M.D.
Respondent

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

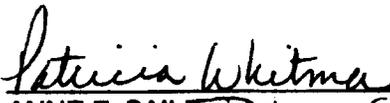
DATE: _____


DUANE OLSON, ESQ
Attorney for Respondent

DATE: 23 January 2021


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 1/23/01


~~ANNE F. SAILE~~ Patricia E. Whitman
Deputy Director
Office of Professional Medical Conduct

"Exhibit A"

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

IN THE MATTER
OF
ROSS J. BRECHNER, M.D.

STATEMENT
OF
CHARGES

ROSS J. BRECHNER, M.D., the Respondent, was authorized to practice medicine in New York state on December 21, 1987, by the issuance of license number 173292 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 19, 2000, the State of Michigan, Department of Consumer & Industry Services, Board of Medicine, Disciplinary Subcommittee (hereinafter "Michigan Board"), by a Consent Order and Stipulation (hereinafter "Michigan Order"), limited Respondent's license to practice medicine precluding him from performing ophthalmologic surgery in the event he reapplies to reinstate or renew his license to practice medicine, based upon negligence, incompetence, and practicing the profession while impaired by physical disability.

B. The conduct resulting in the Michigan Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(5) (incompetence on more than one occasion).
3. New York Education Law §6530(7) (practicing the profession while impaired by physical disability); and/or

4. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine),

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted by a duly authorized 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 A and/or B.

DATED: *Dec. 7*, 2000
Albany, New York

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

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

IN THE MATTER
OF
ROSS J. BRECHNER, M.D.

CONSENT
ORDER

Upon the proposed agreement of **ROSS J. BRECHNER, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/25/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct