



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.
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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chair

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

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

August 14, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Abel Akerman, M.D.
17 Hickory Drive
Great Neck, NY 11021

RE: License No. 111113

Dear Dr. Akerman:

Enclosed please find Order #BPMC 01-179 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 14, 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.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is written in a cursive style with a large, stylized initial "A".

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Mark Furman, esq.
Lifshutz, Polland and Hoffman, P.C.
675 Third Avenue
New York, NY 10017

Leslie Eisenberg, Esq.

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

IN THE MATTER
OF
ABEL AKERMAN, M.D.

CONSENT
ORDER

BPMC No. 01-179

Upon the proposed agreement of Abel Akerman, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to 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: 8/13/01



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

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

**IN THE MATTER
OF
ABEL AKERMAN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Abel Akerman, M.D., representing all statements herein made to be true, deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111113 by the New York State Education Department.

My current address is 17 Hickory Drive, Great Neck, NY 11021, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

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

I do not contest the second specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be suspended for a period of three years, pursuant to Section 230-a of the Public Health Law ("PHL"). Said suspension shall be entirely stayed; and

I shall be subject to a three year period of probation subject to the terms and conditions in Exhibit "B"; and

I shall be fined in the amount of \$10,000, pursuant to PHL Section 230-a(7). The \$10,000 fine shall be paid as follows: \$5,000 shall be paid no later than six (6) months from the effective date of this Order and, an additional \$5,000 shall be paid no later than twelve (12) months from the effective date of this Order. The fine must be made payable to the New York State Department of Health, Bureau of Accounts Management, Corning Tower Building, Room 1258, Empire State Plaza, Albany, New York 12237.

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 possesses 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 I am charged with professional misconduct in the future, this 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.

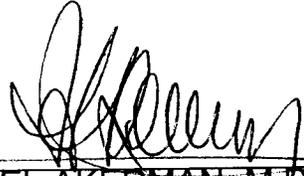
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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.

DATED 7/25/01



ABEL AKERMAN, M.D.
RESPONDENT

EXHIBIT "A"

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

IN THE MATTER
OF
ABEL AKERMAN, M.D.

STATEMENT
OF
CHARGES

Abel Akerman, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 25, 1972, by the issuance of license number 111113 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In or about May 1987, after a hearing, Respondent received a Censure and Reprimand from the State Education Department and was ordered to pay a civil fine in the amount of \$2,400.00.
- B. In or about 1996, prior to trial, a professional liability settlement was paid on behalf of Respondent, in the amount of \$350,000.00.
- C. On or about June 3, 1998, Respondent submitted an application for admission to Health Plan of New York ("HIP"), 7 West 34th Street, New York, New York 10001, on which Respondent knowingly and falsely represented that he had never been reprimanded, disciplined, counseled or subject to any similar action by any State licensing agency when, in fact, Respondent knew that he had been disciplined by the State Education Department in 1987 and, Respondent knowingly and falsely represented that no professional liability

judgments had ever been entered against Respondent when, in fact, Respondent knew that a professional liability settlement had been paid on his behalf in 1996.

- D. On or about March 19, 1998, Respondent submitted an application to participate in WellCare of New York, on which Respondent knowingly and falsely represented that he had never been reprimanded by a licensing agency and that disciplinary proceedings had never been filed against him when, in fact, Respondent knew that he had been disciplined by the State Education Department in 1987.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) (McKinney Supp. 2001) by practicing the profession of medicine fraudulently, as alleged in the facts of the following:

1. Paragraphs A, B, C and D.

SECOND SPECIFICATION

WILLFULLY MAKING OR FILING FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) (McKinney Supp. 2001) by willfully making or filing a false report, as alleged in the facts of the following:

2. Paragraphs A, B, C and D.

DATED: June , 2001
New York, New York

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

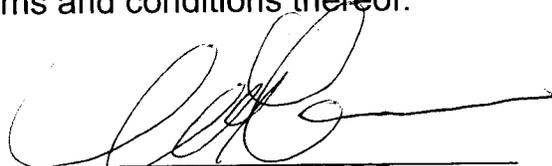
Terms of Probation

1. Respondent 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 and obligations imposed by law and by his/her profession. Respondent acknowledges that if he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence

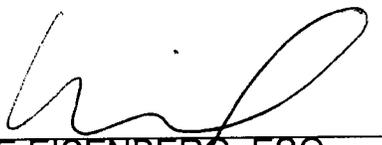
of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

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

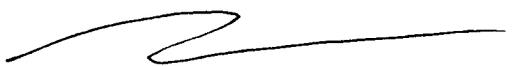
DATE: 7/30/01


MARK FURMAN, ESQ.
Attorney for Respondent

DATE: 8/1/01


LESLIE EISENBERG, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 8/10/01


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct