



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

August 6, 1998

Dennis P. Whalen  
*Executive Deputy Commissioner*

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Timothy J. Mahar, Esq.  
NYS Department of Health  
Corning Tower Room 2509  
Empire State Plaza  
Albany, New York 12237

James D. Lantier, Esq.  
Smith, Sovik, Kendrick & Sugnet  
250 South Clinton Street  
Suite 600  
Syracuse, New York 13202-1252

Ronald G. Donelson, M.D.  
550 Harrison Street  
Syracuse, New York 13202

**RE: In the Matter of Ronald G. Donelson, M.D.**

Dear Parties:

Enclosed you will find the Corrected Determination and Order (No. 98-122) of the Hearing Committee in the above referenced matter. This corrected Determination will become part of the record that the Administrative Review Board for Professional Medical Conduct will consider when reviewing both parties' appeals in this matter.

Due to the change in the Determination and Order, the parties shall receive four additional weeks to file briefs in this matter. Briefs will now be due September 14, 1998 rather than August 17, 1998. The Hearing Committee's Determination remains stayed until the Review Board issues a final Determination in this matter.

Sincerely,

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:jfh  
Enclosure

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

COPY

IN THE MATTER  
OF  
RONALD G. DONELSON, M.D.

AMENDED  
DETERMINATION  
AND  
ORDER

BPMC-98-122

**MARGARET H. McALOON, M.D. (Chair), HONG CHUL YOON, M.D. and  
REV. EDWARD J. HAYES**, duly designated members of the State Board for Professional  
Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter  
pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER,**  
**ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer.

After consideration of the entire record, the Committee issued its Determination and  
Order dated June 26, 1998, wherein it censured and reprimanded the Respondent and fined him  
Ten Thousand Dollars (\$10,000.00).

In drafting the Committee's Determination and Order, the Administrative Law Judge  
incorrectly cited paragraph numbers 10, 11, 12 and 15 of the Factual Allegations as support for  
sustaining the Sixth Specification from the Statement of Charges. The correct paragraph numbers  
are 6, 7 and 9. The relevant part of the original Determination and Order should have read as  
follows:

**" WILLFULLY MAKING OR FILING A FALSE REPORT**

**Sixth Specification: (Paragraphs 1.,2.,3.,4.,6.,7. and 9 );"**

**DATED: Albany, New York**

July 30 1998

Margaret McAloon MD  
**Margaret McAloon, M.D. (CHAIR)**

Hung Chul Yoon, M.D.  
Rev. Edward J. Hayes

TO: Timothy J. Mahar, Esq.  
Associate Counsel  
New York State Department of Health  
E.S.P. - Corning Tower  
25th Floor  
Albany, New York 12237-0032

James D. Lantier, Esq.  
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STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

June 30, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Timothy J. Mahar, Esq.  
NYS Department of Health  
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Ronald G. Donelson, M.D.  
550 Harrison Street  
Syracuse, New York 13202

**RE: In the Matter of Ronald G. Donelson, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 98-122) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's  
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

COPY

DETERMINATION  
AND  
ORDER

IN THE MATTER  
OF  
RONALD G. DONELSON, M.D.

BPMC-98-122

A Notice of Hearing dated September 23, 1997 and an Amended Statement of Charges, dated November 21, 1997, were served upon the Respondent, Ronald G. Donelson, M.D. **MARGARET H. McALOON, M.D. (Chair), HONG CHUL YOON, M.D. and REV. EDWARD J. HAYES**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Henry M. Greenberg, Esq., General Counsel, Timothy J. Mahar, Esq., of counsel. The Respondent appeared by Smith, Sovik, Kendrick & Sugnet, James D. Lantier, Esq. of counsel. Evidence was received, witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

**PROCEDURAL HISTORY**

Dates of Hearing:	December 3, 1997 February 12, 1998
Witness for Department of Health:	Ben Moore, III
Witnesses for Respondent:	Barry Gold, Esq.

Norman J. Lesswing  
David G. Murray, M.D.  
Karen Galloway  
Ronald Donelson, M.D.

Deliberations Held:

April 1, 1998

### **STATEMENT OF CASE**

The Statement of Charges alleged seven specifications of professional misconduct, including practicing the profession fraudulently, engaging in conduct which evidences a moral unfitness to practice, filing a false report and violating Public Health Law § 2805-k.

A copy of the Statement of Charges is attached to this Determination and Order and made a part thereof as Appendix I.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the evidence presented in this matter. Unless otherwise noted by an asterisk, all Findings and Conclusions herein are the unanimous determination of the Committee unless noted by an asterisk. Having heard testimony and considered evidence presented by the Department of Health and the Respondent respectively, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were established by at least a preponderance of the evidence.

1. RONALD DONELSON, M.D., (hereinafter " Respondent"), was authorized to practice medicine in New York State on July 1, 1974, by the issuance of license number 120474 by the New York State Education Department. (Pet. Ex. 2)

2. In or about October 1992, the Office of Professional Medical Conduct (OPMC) began an investigation of a complaint that Respondent had touched a female patient's genitals during a physical examination on August 26, 1992, which contact was sexual in nature. Respondent was aware of the investigation as he was interviewed by OPMC staff on October 29, 1992, October 30, 1992 and January 7, 1993 relative to the complaint. ( Pet. Ex. 1; Res. Ex. I; T. 493-494)

3. On February 3, 1995, Respondent was served with a Notice of Hearing and Statement of Charges, noticing Respondent for a hearing before the State Board for Professional Medical Conduct pursuant to Public Health Law §230 . The Statement of Charges alleged, among other things, that during an examination in his office on August 26, 1992, Respondent touched Patient A's genitals with his ungloved fingers "which conduct was sexual in nature and/or without medical purpose." Respondent was charged with the willful physical abuse of a patient and moral unfitness in the practice of medicine. (Pet. Exs. 1&5; Res. Ex. I)

4. On April 19, 1995, May 11, 1995 and May 25, 1995 hearings were conducted before a Hearing Committee of the State Board for Professional Medical Conduct on the charges noted in paragraph 3 above. Respondent attended each of the days of hearing and testified during the sessions conducted on May 11, 1995 and May 25, 1995. (Pet. Ex. 1; Res. Ex. I)

1993 Application to HMO-CNY

5. On February 23, 1993, Respondent submitted an application to HMO-CNY to be recredentialed as a medical services provider for that HMO (hereinafter 1993 application). (Pet. Exs. 1 and 3; Res. Ex. I)

6. The 1993 application included the following question which was answered "No":

G. "Have there been any proceedings or investigations of you by the New York State Office of Professional Medical Misconduct [sic], any other state's misconduct board or any governmental or private agency?"

(Pet. Ex. 3 ; Res. Ex. I)

7. Respondent signed the 1993 application under the following certification: "I, the undersigned certify that the information provided in this request form is true and correct to the best of my knowledge and belief." (T. 457; Pet. Ex. 3)

8. The answer of "No" to question G was incorrect (T. 460-461 [Respondent]). Both prior to and as of February 23, 1993 Respondent was the subject of an investigation by OPMC relating to his examination of Patient A on August 26, 1992. At the time that he completed the 1993 application, Respondent was aware of the OPMC investigation as he had been interviewed three times by OPMC staff prior to February 23, 1993 regarding the complaint noted in No. 2 above. (T. 460-461)

9. Respondent signed the 1993 application without reading the responses contained in the application and with knowledge that his statement certifying the truth and correctness of the information contained in the application was false or with disregard for the truth. (T. 452-453)

1995 Application to University Hospital

10. On June 23, 1995, approximately one month after the third and last hearing day in the disciplinary proceeding concerning Respondent's conduct towards Patient A, Respondent completed an application to renew his privileges at University Hospital (1995 application) in Syracuse, New York. (Pet. Ex. 4: Res. Ex. 1)

11. Respondent had first obtained privileges at University Hospital in 1988. (Pet. Ex. 4)

12. On his 1995 application, Respondent answered the following questions "No":

" Have you at any time been subject to (provide full details for all positive answers on a separate sheet of paper)

5.pending professional malpractice claims, actions or medical conduct proceedings in this or any other state?

8.pending charges or convictions for sexual harassment, sexual abuse, child abuse, elder abuse, or other human rights violations?

9.pending charges pertinent to violations of patient's rights?"

(Pet. Ex. 4)

13. The 1995 application included the following statement of understanding by Respondent:

"I understand and agree that I as an applicant for Medical Staff membership, have the burden of producing adequate information for proper evaluation of my professional

competence, character, ethics and other qualifications and for resolving any doubts about such qualifications. I fully understand that any significant misstatements in or omissions from this application constitute cause for denial of reappointment or cause for summary dismissal from the Medical Staff. All information submitted by me in this application and its enclosures is true to the best of my knowledge and belief."

(Pet. Ex. 4)

14. The 1995 application included the following information by Respondent as to the truth of the information provided:

The undersigned hereby affirms under penalties of perjury as follows: that he/she is the applicant named herein; that he/she has read the foregoing application and knows the contents thereof; that the same is complete, true and accurate to his/her own knowledge and belief.

(Pet. Ex. 4)

15.\* Respondent response to question 5 in the 1995 application was false as he was on June 23, 1995 the subject of pending medical conduct proceedings before the State Board for Professional Medical Conduct concerning his conduct towards Patient A during a physical examination performed on August 26, 1992.

## CONCLUSIONS

The following conclusions were made pursuant to the Findings of Fact listed above. The Hearing Committee concluded that the following Factual Allegations were proven by a preponderance of the evidence (the paragraphs noted refer to those set forth in the Statement of Charges, Factual Allegations). All conclusions were unanimous except where noted by an asterisk. The citations in parentheses

refer to the Findings of Fact (supra), which support each factual allegation:

**Paragraph 1:** (3)

**Paragraph 2:** (2);

**Paragraph 3:** (4);

**Paragraph 4:** (4);

**Paragraph 6:** (5);

**Paragraph 7:** (6);

**Paragraph 9:** (7, 8, &9);

**Paragraph 10:** (10);

**Paragraph 11:** (11) except that part of the factual allegation which relates to questions number 8 and 9 of the 1995 application \*;

**Paragraph 12:** (12,13);

**Paragraph 15:** (13,14) except for that part of the factual allegation which states " [O]r with reckless disregard for the truth of the information contained therein." \*;

The Committee further concluded that the following Specifications should **be sustained**. An asterisk denotes that the conclusion was not unanimous. The citations in parentheses refer to the Factual Allegations from the Statement of Charges, which support each specification:

### **PRACTICING THE PROFESSION FRAUDULENTLY**

**Second Specification\*:** (Paragraphs 1.,2.,3.,4.,10.,11.,12. and 15. );

**VIOLATION OF PUBLIC HEALTH LAW § 2805-k**

**Fifth Specification\*:** (Paragraphs 1.,2.,3.,4.,10.,11.,12. and 15. );

**WILLFULLY MAKING OR FILING A FALSE REPORT**

**Sixth Specification:** (Paragraphs 1.,2.,3.,4.,10.,11.,12. and 15 );

**Seventh Specification\*:** (Paragraphs 1.,2.,3.,4.,10.,11.,12. and 15.).

**DISCUSSION**

Respondent was charged with committing four types of professional misconduct within the meaning of Education Law §6530. This statute sets forth numerous forms of conduct which constitute professional misconduct. During the course of its deliberations on these charges, the Hearing Committee consulted a memorandum prepared by General Counsel for the Department of Health. This document, entitled "Definitions of Professional Misconduct Under the New York Education Law", sets forth suggested definitions for various categories of misconduct including the fraudulent practice of the profession. Fraud is defined as an intentional misrepresentation or concealment of a known fact. An individual's knowledge that he/she is making a misrepresentation or concealing a known fact with the intention to mislead may properly be inferred from certain facts. This

particular definition was utilized by the Committee during its deliberations.

The charges in this case related to two applications that the Respondent submitted. One was an application for the Respondent to continue to be a care provider for members of a particular HMO. The other was an application for the Respondent to continue to have privileges at University Hospital in Syracuse, New York. The charges alleged that the Respondent falsely answered questions posed in these applications.

A majority of the Committee concluded, by a preponderance of the evidence, that the second and fifth through seventh specifications of professional misconduct should be sustained.

It was the finding of the Committee that the Respondent was aware that the State had initiated some form of official process in late 1992 concerning the Respondent's professional conduct. The Respondent knew he was being investigated. In February of 1993 the Respondent submitted the HMO application, certifying to its accuracy. The Committee determined that the Respondent should have reviewed the HMO application. His failure to do so while certifying that the information was true is evidence that he did not want to know what he was certifying to. At the time of the submission the Respondent had already participated in 3 separate interviews with representatives of the State Office of Professional Conduct. The Committee concluded that he knew or should have known that the HMO application would query about such activity. His failure to read the application and yet certify to its truthfulness amounted to fraud and the wilful filing of a false instrument.

With respect to the University Hospital application the Committee found that his answer to question 5 of the application was false. The question asked whether the Respondent was subject to pending medical conduct proceedings? The Committee did not find the Respondent's explanation of why he

answered this question "No" to be credible. The Respondent's testimony that since the charges involved what could be construed as non-medical conduct, he therefore answered "No" to question 5. The Committee found this rationale to be unbelievable.

A minority of the Committee found that the Respondent had also answered falsely to question 8 of the hospital application. That question asked whether the Respondent had been subject to pending charges sexual harassment or sexual abuse. The minority felt that it was not plausible that a physician in the Respondent's position would sincerely answer that question in the negative.

### **ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Second and Fifth through Seventh Specifications of professional misconduct, as set forth in the Statement of Charges (Appendix I) are **SUSTAINED;**

2. Respondent is hereby **CENSURED AND REPRIMANDED.**

3. Respondent is hereby fined **Ten Thousand Dollars (\$10,000.00).**

**DATED: Albany, New York**  
*June 26,* 1998

*Margaret McAloon*  
**Margaret McAloon, M.D. (CHAIR)**

Hung Chul Yoon, M.D.  
Rev. Edward J. Hayes

(10)

TO: Timothy J. Mahar, Esq.  
Associate Counsel  
New York State Department of Health  
E.S.P. - Corning Tower  
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Albany, New York 12237-0032

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550 Harrison St.  
Syracuse, New York 13202

APPENDIX I

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

-----X

IN THE MATTER : AMENDED  
OF : STATEMENT  
RONALD G. DONELSON, M.D. : OF  
: CHARGES

-----X

RONALD G. DONELSON, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1974 by the issuance of license number 120474 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. On or about February 3, 1995, Respondent was personally served with charges in an action brought on behalf of the Office of Professional Medical Conduct pursuant to Public Health Law §230, alleging, *inter alia*, that during the course of a physical examination of a female patient (Patient A) on August 26, 1992 for low back pain, Respondent "touched and manipulated Patient A's genitalia with his ungloved fingers, which conduct was sexual in nature and/or without any medical purpose." Respondent was charged with moral unfitness in violation of New York Education Law §6530(2) and willful physical abuse of a patient in violation of New York Education Law §6530(31).

2. Prior to being served with said charges on February 3, 1995, Respondent was interviewed by the Office of Professional Medical Conduct on October 29, 1992, October 30, 1992, and January 7, 1993 with respect to his examination of Patient A, as part of the investigation of Respondent's conduct.
3. A hearing pursuant to Public Health Law §230 on the charges referenced in paragraph 1 herein, was conducted on April 19, 1995, May 11, 1995 and May 25, 1995.
4. Respondent was in attendance on each day of the hearing and testified on May 11, 1995 and May 25, 1995.
5. The Hearing Committee's Determination and Order was served at Respondent's office on or about August 21, 1995.

#### 1992 HMO/CNY RECREDENTIALLING APPLICATION

6. On or about February 23, 1993, Respondent completed a 1992 Physician Recredentialing Information Sheet to HMO/CNY (1992 HMO/CNY Recredentialing Application). Respondent was then a medical provider for HMO/CNY.
7. The 1992 HMO/CNY Recredentialing Application included the following instructions and questions:

Please answer all of the following questions. IF YOU ANSWER YES TO ANY, PLEASE GIVE DETAILS ON THE SPACE

PROVIDED. If additional space is needed, attach a separate sheet to this form (NOTE: Please answer these questions as they relate to the past TWO YEARS only.)

G. Have there been any proceedings or investigations of you by the New York State Office of Professional Medical Misconduct [sic], any other state's misconduct board or any governmental or private agency?

(emphasis theirs).

8. Respondent answered "No" to question "G", when in fact Respondent knew that he had been interviewed on three occasions by the OPMC with respect to his conduct towards Patient A, or Respondent signed the 1992 HMO/CNY Recredentialing Application with reckless disregard for the truth of information contained therein.
9. In the alternative, Respondent on February 23, 1993 signed the 1992 HMO/CNY Recredentialing Application and certified that the information provided was "true and correct to the best of [his] knowledge and belief" when in fact Respondent had not read the information provided and was without knowledge of its truth and correctness. Respondent submitted or caused another to submit the 1992 HMO/CNY Recredentialing Application to HMO/CNY with knowledge that the information provided in said application was false or with reckless disregard for the truth of the information or in the alternative, without knowledge of the truth of that information.

1995 STATE UNIVERSITY OF NEW YORK  
MEDICAL STAFF REAPPOINTMENT APPLICATION

10. On or about June 23, 1995, Respondent completed an application for his reappointment to the medical staff of the State University of New York, Health Science Center at Syracuse (University Hospital) (reappointment application).
11. Paragraph VIII of the reappointment application, entitled "Miscellaneous Information", included the following questions:
- Have you at any time been subject to (provide full details for all positive answers on a separate sheet of paper)
- \* \* \*
5. pending professional malpractice claims, actions or medical conduct proceedings in this or any other state?
- \* \* \*
8. pending charges or convictions for sexual harassment, sexual abuse, child abuse, elder abuse, or other human rights violations?
9. pending charges pertinent to violations of patient's rights?
12. Respondent answered question number 5, "No", when in fact Respondent knew that he was the subject of pending medical conduct proceedings, or Respondent signed the reappointment application with reckless disregard for the truth of the information contained therein.

13. Respondent answered question number 8, "No", when in fact Respondent knew that he was the subject of such charges before the New York State Board for Professional Medical Conduct, or Respondent signed the reappointment application with reckless disregard for the truth of the information contained therein.
14. Respondent answered question number 9, "No", when in fact Respondent knew that he was the subject of pending charges pertinent to violations of patient's rights, or Respondent signed the reappointment application with reckless disregard for the truth of the information contained therein.
15. Respondent submitted the reappointment application to the State University of New York, Health Science Center at Syracuse for consideration with knowledge of the false information contained in the reappointment application, or with reckless disregard for the truth of the information contained therein.

#### SPECIFICATIONS

#### FIRST AND SECOND SPECIFICATIONS

#### FRAUDULENT PRACTICE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(2) (McKinney's Supp. 1997) by reason of his practicing the profession fraudulently, in that Petitioner

charges:

1. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 6, and/or 7, and/or 8, and/or 9 of the factual allegations.
2. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 10, and/or 11, and/or 12, and/or 13, and/or 14, and/or 15 of the factual allegations.

### THIRD AND FOURTH SPECIFICATIONS

#### MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(20) (McKinney's Supp. 1997) by reason of his engaging in conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

3. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 6, and/or 7, and/or 8, and/or 9 of the factual allegations.
4. The facts in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 10, and/or 11, and/or 12, and/or 13, and/or 14, and/or 15 of the factual allegations.

### FIFTH SPECIFICATION

#### VIOLATION OF PUBLIC HEALTH LAW §2805-k

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(14) (McKinney's Supp. 1997) by reason of his having failed to provide information of a pending professional medical misconduct proceeding in an application to renew professional privileges at a hospital in violation of Public Health Law §2805-k(1)(c), in that Petitioner charges:

5. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 10, and/or 11, and/or 12, and/or 13, and/or 14, and/or 15 of the factual allegations.

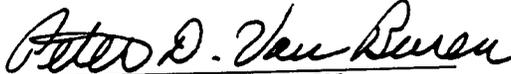
SIXTH AND SEVENTH SPECIFICATIONS

WILFULLY MAKING OR FILING A FALSE REPORT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(21) (McKinney's Supp. 1997) by reason of his wilfully making or filing a false report, in that Petitioner charges:

6. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 6, and/or 7, and/or 8, and/or 9 of the factual allegations.
7. The facts set forth in Paragraphs 1 and/or 2, and/or 3, and/or 4, and/or 5, and/or 10, and/or 11, and/or 12, and/or 13, and/or 14, and/or 15 of the factual allegations.

DATED: *November 21*, 1997  
Albany, New York

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