



Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

March 17, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alan Berkman, M.D.
U.S. Medical Center for
Federal Prisoners
Rochester, Minnesota 55901

Effective Date 03/20/92

RE: License No. 112795

Dear Dr. Berkman:

Enclosed please find Order #BPMC 92-22 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 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

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IN THE MATTER :
OF : ORDER
ALAN BERKMAN, M.D. : #BPMC 92-22

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Upon the application of ALAN BERKMAN, M.D., 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 the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED:

9 March 1992

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

said suspension be stayed, and that I be placed on probation for two years under the Terms of Probation annexed hereto, made a part hereof, and marked as Exhibit "B".

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 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, and 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. Any 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 N.Y. 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.

Alan Berkman, M.D.
ALAN BERKMAN, M.D.
Respondent

Sworn to before me this
24th day of February, 1992.



NOTARY PUBLIC

RONALD L. KUBY
Notary Public, State of New York
No. 31-4940788
Qualified in New York County
Commission Expires July 25, 1998

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

IN THE MATTER : APPLICATION
OF : FOR
ALAN BERKMAN, M.D. : CONSENT
: ORDER

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

Date: 2/24/92

Alan Berkman, M.D.
ALAN BERKMAN, M.D.
Respondent

Date: 2/28/92

[Signature]
Attorney for Respondent

Date: 3/2/92

[Signature]
RALPH BAVARO
Associate Counsel
Bureau of Professional
Medical Conduct

Date: March 12, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
Director
Office of Professional
Medical Conduct

Date: 9 March 1992

Charles J. Vacanti

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

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IN THE MATTER : STATEMENT
OF : OF
ALAN BERKMAN, M.D. : CHARGES

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ALAN BERKMAN, M.D., the Respondent, was authorized to practice medicine in New York State on July 12, 1972 by the issuance of license number 112795 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

- A. On May 29, 1987, Respondent was convicted, in the United States District Court for the Eastern District of Pennsylvania, of conspiracy, unlawful possession of fire arms and destructive devices, storage and concealment of stolen explosives, unlawful storage of explosives, unlawful possession of false identification documents, unlawful possession of U.S. identification documents produced without authority, unlawful possession of document-making implement, and unlawful possession of social security

cards-all violations of federal law, to wit: Titles 18, 26 and/or 42 United States Code.

- B. On October 7, 1987, Respondent was convicted, in U.S. District Court for the Southern District of New York, of bail jumping-a violation of federal law, to wit: Title 18 U.S.C. -3150.
- C. On March 17, 1988, Respondent was convicted in Superior Court, State of Connecticut, of robbery in the first degree-a violation of Connecticut state law, to wit: Conn. Gen. Stat. -53a-134.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(ii) (McKinney Supp. 1992) in that he has been convicted of crimes under federal law. Petitioner alleges:

1. The facts contained in paragraphs A and B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(iii) (McKinney Supp. 1992) in that he has been convicted of committing a crime under the laws of the State of Connecticut for acts which if committed in New York State would constitute a crime under New York State law, to wit: N.Y. Penal Law -160.15. Petitioner alleges:

2. The facts contained in paragraph C.

DATED: New York, New York

March 3, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ALAN BERKMAN, M.D., Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting him professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit 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 in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Should Respondent reside or practice outside of New York State, he shall notify the Director of OPMC in writing at the address above, Certified Mail, Return Receipt Requested, of the dates of his departure and return. Periods of residency or practice outside the State shall toll the probationary period for the duration of such out-of-state residency or practice;
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) 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 Respondent's profession in the State of New York and does not desire to register; and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

6. During the term of this probation, at the Respondent's expense, the practice of Respondent shall be under the supervision of a licensed physician, selected by the Respondent and approved by the Director of OPMC. Such supervision may include unannounced review of patient records, unannounced actual observation of treatment of patients, unannounced review of the ordering practices of Respondent regarding controlled substances, interviews of Respondent and any other reasonable means of monitoring Respondent's practice.
7. As long as there is full compliance with every term herein set forth, Respondent may continue to practice his profession in accordance with the terms. However, in the event of noncompliance with or violation of this Probation, the Director of the Office of Professional Medical Conduct and/or the State Board for Professional Medical Conduct may initiate a Violation of Probation Proceeding or any other proceeding authorized by the N.Y. Public Health Law.