



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
Commissioner

Dennis P. Whalen  
Executive Deputy Commissioner

August 30, 2002

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Barry Kaufman, Esq.  
& Terrence Sheehan, Esq.  
NYS Department of Health  
5 Penn Plaza – 6<sup>th</sup> Floor  
New York, New York 10001

Dudley Gaffin, Esq.  
Margaret H. Mayo, Esq.  
Gaffin & Mayo P.C.  
225 Broadway – Suite 2510  
New York, New York 10007-3001

Dr. Belle K. Goldstein  
10 Sandy Lane  
Greenwich, Connecticut 06831

**RE: In the Matter of Belle Kleinplatz Goldstein**

Dear Parties:

Enclosed please find the Determination and Order (No. 02-277) 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 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, appearing to read "Tyfone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyfone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

**IN THE MATTER OF  
OF  
BELLE KLEINPLATZ GOLDSTEIN**

**DETERMINATION**

**AND**

**ORDER**

**BPMC #02-277**

**ARTHUR ZITRIN, M.D.**, Chairperson, **MR. ALAN KOPMAN**, and **LEON NADROWSKI, M.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Sections 230(10)(e) and 230(12) of the Public Health Law. **ELLEN B. SIMON, ESQ.**, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this Determination.

**STATEMENT OF CHARGES**

The Statement of Charges essentially charges the Respondent with professional misconduct by reason of having fraudulently obtained her medical license, by practicing medicine fraudulently, by having willfully made or filed a false report; by engaging in conduct in the practice of medicine that evidences moral unfitness for such practice; and by failing to make available within thirty days records relevant to an inquiry or complaint about the Respondent's professional misconduct. The charges are more specifically set forth in the Statement of Charges, a copy of which is attached to and made a part of this Determination and Order.

**SUMMARY OF THE PROCEEDINGS**

Statement of Charges Dated:

July 13, 1999

Prehearing Conference:

September 28, 1999

Hearing Dates:

October 7, 1999  
June 29, 2000  
August 1, 2000  
August 7, 2000  
August 8,, 2000  
September 18, 2000  
November 6, 2000  
November 20, 2000  
November 27, 2000  
January 9, 2001  
January 22, 2001  
March 7, 2001  
March 13, 2001  
June 7, 2001  
July 23, 2001  
August 6, 2001  
September 10, 2001  
October 15, 2001

Deliberation Dates:

November 26, 2001  
December 17, 2001  
December 26, 2001  
February 17, 2002  
March 25, 2002  
May 24, 2002  
July 18, 2002

Place of Hearing:

NYS Department of Health  
5 Penn Plaza  
New York, New York

Petitioner Appeared By:

Donald P. Berens, Jr., Esq.  
General Counsel  
NYS Department of Health  
By: Barry Kaufman, Esq.  
Associate Counsel  
Terrence Sheehan, Esq.  
Associate Counsel

Respondent Appeared By:

Gaffin & Mayo, P.C.  
225 Broadway – Suite 2510  
New York, New York 10007  
By: Dudley Gaffin, Esq.  
Margaret H. Mayo, Esq.

## WITNESSES

For the Department:

Ms. Annette Palk  
Mr. William Kelly  
Respondent  
Igor Rosien, M.D.  
Ms. Susan Fuller

For the Respondent:

Respondent  
Ms. Marilyn S. Feldheim  
Mr. James Perez Gwynne  
Jaime Flores, M.D.  
Harry Elbaum, M.D.  
Heim Rosen, M.D.

### **Affirmation of Members of the Hearing Committee**

Leon Nadrowski, M.D., a duly appointed member of the State Board for Professional Medical Conduct and of its Hearing Committee designated to hear the matter of Belle Kleinplatz Goldstein, hereby affirms that he was absent from the hearing session conducted on September 18, 2000, from a brief part of the session conducted on November 6, 2000, and from the sessions conducted on January 22, July 23, and August 6, 2001. Dr. Nadrowski affirms that he has read and considered the transcripts of the proceedings of, and the evidence received at, such whole or partial hearing days before deliberations of the Hearing Committee beginning on November 26, 2001.

Mr. Alan Kopman, a duly appointed member of the State Board for Professional Medical Conduct and of its Hearing Committee designated to hear the matter of Belle Kleinplatz Goldstein, hereby affirms that he was absent from the hearing sessions conducted on August 8 and November 27, 2000. Mr. Kopman affirms that he has read and considered the transcripts of the proceedings of, and the evidence received at, such hearing days before deliberations of the Hearing Committee beginning on November 26, 2001.

## FINDINGS OF FACT

Numbers in parentheses refer to transcript pages or exhibits and denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited.

## **GENERAL FINDING**

1. **BELLE KLEINPLATZ GOLDSTEIN**, the Respondent, was authorized to practice medicine in New York on July 28, 1987, by the issuance of license number 171399 by the New York State Education Department (uncontested).

## **FINDINGS AS TO CHARGES A, A.1, A.2, AND A.3**

2. On or about June 19, 1986, Respondent applied to the New York State Education Department for a medical license and for registration so as to practice medicine as a physician in the state of New York (Ex 11 K&G).

3. On her application and during the application process, Respondent represented that (a) she had completed all of the requirements and was a graduate of the medical school at the Universidad Autónoma de Ciudad Juarez, Mexico (Autonomous University of the City of Juarez, Mexico, hereinafter referred to as "UACJ"); (b) she had earned a degree of Title of Physician-Surgeon, known as a "Título," from the UACJ; and (c) she was licensed as a physician in Mexico in 1980 (Ex 11 K&G).

4. According to Susan Fuller of the New York State Education Department, Respondent presented or had submitted on her behalf all the documents required to qualify for and to receive a license to practice medicine in New York. At the time the Education Department evaluated Respondent's application for a medical license, all the documents in her file appeared to be in order and raised no question concerning their regularity or authenticity (T 1711-1712).

5. No one in the Education Department ever directly communicated with the UACJ to certify that Respondent was a graduate of its medical school and was properly issued a Título (T 1323-1324).

6. No documentary evidence or testimony was offered at the hearing in support of a conspiracy between Respondent and her brother, Joseph Samuel Kleinplatz, to furnish fraudulent records to the Education Department with her application for a medical license.

## **FINDINGS AS TO CHARGES B AND B.1**

7. Between on or about October 10, 1978, and on or about April 11, 1981, Respondent submitted repeated applications to the Educational Commission for Foreign Medical Graduates (hereinafter "ECFMG") to take the ECFMG examination (Ex 23 G).

8. On her 1978 application, Respondent represented that she was to be conferred a degree of M.D. in June 1979 (Ex 23 G).

9. On her April 1979 application, Respondent represented that she was to be conferred a degree of M.D. in June 1979 and that she expected to receive an unrestricted license to practice medicine in June 1979 (Ex 23 G).

10. On her October 1979 application, Respondent represented that she was to be conferred a degree of M.D. in January 1980 (Ex 23 G).

11. On her May 1980 application, Respondent represented that she was conferred a degree of M.D. in January 1980 and that she received an unrestricted license to practice medicine in April 1980 (Ex 23 G).

12. On her October 1980 application, Respondent represented that she was conferred a degree of M.D. in May 1980 (Ex 23 G).

13. On her April 1981 application, Respondent represented that she was conferred a degree of M.D. in April 1980 and that she received an unrestricted license to practice medicine in April 1980 (Ex 23 G).

#### **FINDING AS TO CHARGES C, C.1, AND C.2**

14. In or about September 1982, Respondent applied to the state of Connecticut, Medical Examiners Board, to take the written FLEX examination for licensing as a physician so as to practice medicine in that state. On that application, Respondent represented that she had completed her training and was a graduate of the medical program of the UACJ and that she had earned a degree of M.D. in April 1980 (Ex 24 G).

#### **FINDING AS TO CHARGES D AND D.1**

15. Respondent applied to Lenox Hill Hospital in or about March 1980 for admission to its Graduate training Program in Pediatrics. On that application, Respondent represented that she had earned a degree of M.D. from the UACJ (Ex 25 G).

#### **FINDING AS TO CHARGES E AND E.1**

16. Respondent applied to the Brookdale Hospital in or about March 1985 for a position on its House Staff, PGYIII, in Pediatrics. On that application, Respondent represented that she had earned a degree of M.D. from the UACJ (Ex 26 G).

#### **FINDINGS AS TO CHARGE F**

17. On or about February 18, 1999, in an interview with Annette Palk, an investigator with the Office of Professional Medical Conduct ("OPMC"), Respondent told Ms. Palk that, for two months in the fall of 1979, Joseph Kleinplatz, her brother, had worked at 14th Street Medical as a secretary (T 179, 184).

18. Joseph Kleinplatz adamantly denied, during his April 14, 1998 interview with Annette Palk, that he worked at 14th Street Medical and said that he had no medical connection with that office (T 176-178).

### **FINDING AS TO CHARGE G**

19. By failing to sign a release authorizing the production by the UACJ of copies of her complete medical school record maintained there, Respondent willfully refused and/or failed to make available within thirty days records that were relevant to the investigation being conducted by the Department of Health ("the Department"), OPMC, into whether Respondent had completed the requirements for graduation from medical school and the degree of Title of Physician-Surgeon, and the validity of documents submitted to the New York State Education Department and OPMC. Those records are related to professional misconduct by Respondent (T 229-230).

### **CONCLUSIONS**

Hearing Committee member A recognizes both the difficulty that Respondent faced in defending allegations relating to events that are more than twenty years old and the legal limitations on the Department's ability to subpoena witnesses and documents from Mexico. Members B and C find that, as to Respondent, no such difficulty exists, as she could simply have signed a release authorizing the UACJ to produce her records.

The Committee concludes as follows:

#### **Conclusions as to Respondent's Medical School Credentials**

Hearing Committee Member A concludes that the Department has failed to present a preponderance of credible evidence that Respondent's medical degree from the UACJ is not bona fide, because no UACJ official or other competent witness testified that Respondent failed to meet the UACJ's applicable academic and social service requirements, and no reliable testimony or records showing that Respondent failed to complete the required courses are in evidence. Member A emphasizes that no one at the Education Department questioned the validity of Respondent's UACJ credentials when she applied to New York state for a license to practice medicine and that neither, for some twenty years, did anyone else challenge her qualifications. He finds that Respondent, as charged, did not comply within thirty days with the Department's request for records relating to its investigation into the validity of her medical school documents but observes that Respondent is not obligated to prove that she duly earned her medical degree. Without affirmative, reliable proof of the invalidity of her credentials, Committee member A finds that the documents that Respondent submitted in 1986 in support of her license application were legitimate. Like the other members of the Committee, because of

the inconsistency and implausibility of Respondent's testimony, member A questions her credibility, but he notes that, as the Department has not met its burden of proof of the charges against her, and as she does not have to defend her record, her credibility is irrelevant.

Hearing Committee member B finds that Respondent's failure, within thirty days of the Department's request, to provide records relevant to its investigation into the validity of her medical degree is in itself sufficient evidence that she does not have a valid degree and that she intentionally misrepresented her credentials on her application for a New York medical license. He also finds that Respondent's failure to provide the records, in violation of Section 6530 (28) of the Education Law, alone warrants revocation of Respondent's license to practice medicine. Member B also concurs in the conclusions of member C, as set forth below.

Member C of the Hearing Committee acknowledges that the Department has not met its burden of proof of most of the charges and that Respondent is not obligated to prove that her credentials are legitimate. Yet to him, the conclusions to be drawn in this matter rest, ultimately, on a number of substantial and persuasive facts, adduced in the testimony of Respondent and others, detailed below, which add up to a preponderance of evidence that supports the charges.

The first such fact, and perhaps most significant, is that Respondent might have rendered this hearing moot simply by signing a release authorizing the UACJ to produce her records. The Department requested that within thirty days she submit records relevant to its investigation into whether she had completed the UACJ's requirements for graduation and qualified for her medical degree. To explain her refusal to comply with that request, Respondent testified, *inter alia*, that the school wouldn't give her her own records and that, therefore, without an appointment, she, with her husband and son, went to the UACJ with a video camera to "confront the academic service" (T 1025). Respondent also cited her belief that her records had been tampered with as her reason for failing to sign a release that would authorize the UACJ to produce them (Ex 51 G). Committee member C finds that testimony to be preposterous.

In the course of her testimony, Respondent was often evasive and not responsive to questions (e.g., T 892-907, 934-936, 1022-1027). Respondent also contradicted herself, leading the Hearing Committee to conclude that her testimony was unreliable. For example, at first she testified that she had sued the UACJ (T 775); later, she admitted that she had not (T 934-936). She also testified that she had spoken with former UACJ officials who told her that the state of Illinois had paid someone at the medical school \$150,000 to destroy her brother's records (T 783-786). In her interview with OPMC investigator Annette Palk, Respondent said that the same sum was paid to the UACJ Rector to tamper with her own files (Ex 51 G). Yet Respondent admitted (T 787) that she had no proof that Illinois ever received, tampered with, or had destroyed her medical school record; she only suspected it. No evidence was offered that Respondent ever sought an investigation of her suspicions about so

serious a matter by any law enforcement agency.

To find Respondent's testimony credible would require belief in a scenario in which one or more Illinois officials bribed one or more corrupt UACJ officials (including the Rector), with a payment of \$150,000, to tamper with and/or destroy Respondent's records and those of her brother. For what purpose? To make it possible for Illinois to prevail in its proceeding against her brother and also in his suit against that state? Committee member C concludes that, in the absence of a shred of evidence to support it, such a proposition is absurd.

The same Committee member also finds not credible Respondent's testimony that although she and her brother took the same courses at the UACJ and took their final exams on the same day, she never asked him whether he had passed his exams (T 842-849).

In addition, Respondent gave Ms. Palk the names of three other UACJ students and said that she had done her "guardas," or the social service required for her UACJ medical degree, with them. Ms. Palk contacted all three people and said that not one of them confirmed Respondent's claim (T 249-251; 265, lines 14-17).

Respondent also tried to interfere with the appearance or testimony of one of the Department's witnesses, Dr. Igor Rosien, a graduate of UACJ, by calling him while he was on duty in a hospital emergency room and asking him why he would want to destroy her career (T 1157-1158; 1160, lines 10-25; 1161, lines 1-10). This Committee member finds that such action is inconsistent with Respondent's belief in the legitimacy of her medical degree.

Respondent testified (T 1037-1038) that during her visit, with her husband and son, to UACJ in an effort to see her academic file, her husband asked UACJ representatives whether New York state had requested her file and was told that the school would not release it. Hearing Committee member C believes that no one who had a bona fide medical degree would be concerned about whether New York had requested a copy of her medical school record or not.

Several graduates of the UACJ, residents of Mexico, were called as witnesses for Respondent. Not one could confirm that she is a legitimate graduate of the UACJ. Committee member C believes, and member B concurs, that if Respondent were secure in the legitimacy of her medical license, she would not have made this costly, and ultimately failed, effort to prove that she is a UACJ graduate. Member C concludes that her action was a desperate attempt to support her position by testimony that she was, in fact, a student for some time at the UACJ and, by extension, a graduate.

Finally, Susan Fuller of the Education Department was asked whether she would have granted licenses to Respondent and her brother if she had seen a document in the Department's possession but not in evidence in this matter, as there was no testimony

to authenticate it. Her answer was “No” (T 1312-1313). Committee member C recognizes that that document is not in evidence but, as in the case of the letter of Dr. Perea to the ECFMG denying the bona fides of Respondent’s brother’s medical degree, which *was* received in evidence without authenticating testimony, he believes that Ms. Fuller’s testimony regarding the document not in evidence warrants substantial weight. The dissenting member of the Committee, member A, concludes that as there was no testimony to support the validity of the content of the Perea letter, it is hearsay—relevant, but ultimately of no probative value. In any case, he notes, the Perea letter, which concerns only her brother, has no bearing on the charges as to this Respondent.

Committee member C is persuaded that no one secure in the knowledge that her medical degree is legitimate would behave as Respondent has. He therefore concludes that Respondent must not have a bona fide medical degree and that she intentionally misrepresented her credentials in applying to New York for a license to practice medicine.

In sum, the majority of the Hearing Committee members conclude that Respondent submitted documents in support of her application for a license to practice medicine in New York that she knew were not valid. The dissenting member of the Committee concludes, because he has seen and heard no proof to persuade him otherwise, that the documents that Respondent submitted to the Education Department with her application for a New York license were legitimate.

Accordingly, the majority members also conclude that Respondent intentionally misrepresented her medical credentials in her repeated applications to take the ECFMG examination; in her application to the state of Connecticut, Medical Examiners Board, to take the FLEX examination in order to be licensed as a physician in that state; in her application to Lenox Hill Hospital for admission to its Graduate training Program in Pediatrics; and in her application to the Brookdale Hospital for a position on its House Staff, PGYIII, in Pediatrics.

#### **Conclusion as to Respondent’s Conspiring with Her Brother to Defraud the Education Department**

Since the Department introduced no evidence that Respondent and her brother conspired to furnish fraudulent diplomas and transcripts to the Education Department when they each applied for a license to practice medicine in New York, and since Respondent presented no evidence to refute it, the Hearing Committee cannot reach any determination as to that charge.

#### **Conclusion as to Respondent’s Representation of Joseph Kleinplatz’s Status at 14th Street Medical**

The only evidence presented at the hearing as to the nature and duration of Joseph Kleinplatz’s employment at 14th Street Medical is inconsistent. Respondent testified that

for two months in the fall of 1979 her brother worked there as a secretary. In his interview with Annette Palk, her brother “adamantly denied” that he worked there and said that he had no medical connection with that office (see Findings of Fact 17 and 18, above). Yet, on a September 8, 1998, application for employment at St. Barnabus Hospital, her brother represented that he had been employed as a physician at 14th Street Medical from June 1997 through the date of the application (Ex 5 K). Since Joseph Kleinplatz never testified at the hearing, the Hearing Committee cannot determine whether Respondent intentionally misrepresented the circumstances of his employment at 14th Street medical or not.

### **Conclusion as to Respondent’s Failure to Make Records Available**

As discussed above, the Hearing Committee finds that Respondent did not, within thirty days of their being requested, make available records concerning the Department’s investigation of her professional misconduct.

## **VOTE OF THE HEARING COMMITTEE**

In view of the foregoing, the Hearing Committee concludes as to the specifications by a vote of two to one, except as otherwise noted, as follows:

### **FIRST SPECIFICATION**

Fraudulent obtaining of license

**SUSTAINED UNANIMOUSLY AS TO A; SUSTAINED AS TO A.1, including subparagraphs (a) through (c), AND A.2**

**NOT SUSTAINED AS TO A.3**

### **SECOND THROUGH SEVENTH SPECIFICATIONS**

Fraudulent practice

**SUSTAINED UNANIMOUSLY AS TO A, B, C, D, AND E; SUSTAINED AS TO A.1, including subparagraphs (a) through (c), A.2, B.1, including subparagraph (a), B.2, including subparagraphs (a) and (b), B.3, including subparagraph (a), B.4, including subparagraphs (a) and (b), B.5, including subparagraph (a), B.6, including subparagraphs (a) and (b), B.7, C.1, including subparagraphs (a) and (b), D.1, including subparagraph (a), AND E.1, including subparagraph (a)**

**NOT SUSTAINED AS TO A3 AND F**

## **EIGHTH THROUGH TWELFTH SPECIFICATIONS**

False report

**SUSTAINED UNANIMOUSLY AS TO A, B, C, D, AND E; SUSTAINED AS TO A.1, including subparagraphs (a) through (c), A.2, B.1, including subparagraph (a), B.2, including subparagraphs (a) and (b), B.3, including subparagraph (a), B.4, including subparagraphs (a) and (b), B.5, including subparagraph (a), B.6, including subparagraphs (a) and (b), B.7, C.1, including subparagraphs (a) and (b), D.1, including subparagraph (a), AND E.1, including subparagraph (a)**

## **THIRTEENTH THROUGH EIGHTEENTH SPECIFICATIONS**

Moral unfitness

**SUSTAINED UNANIMOUSLY AS TO A, B, C, D, AND E; SUSTAINED AS TO A.1, including subparagraphs (a) through (c), A.2, B.1, including subparagraph (a), B.2, including subparagraphs (a) and (b), B.3, including subparagraph (a), B.4, including subparagraphs (a) and (b), B.5, including subparagraph (a), B.6, including subparagraphs (a) and (b), B.7, C.1, including subparagraphs (a) and (b), D.1, including subparagraph (a), AND E.1, including subparagraph (a)**

**NOT SUSTAINED AS TO A.3 AND F**

## **NINETEENTH SPECIFICATION**

Failing to make records available

**SUSTAINED UNANIMOUSLY**

## **DETERMINATION OF THE HEARING COMMITTEE**

Despite the conclusion of the Hearing Committee that the Department has failed to prove most of the charges by a preponderance of credible evidence, two of the Committee members have determined, in consideration of both the entire record and Respondent's evasive, inconsistent, and even belligerent testimony, as evidenced not only by her words but by her tone of voice and body language—neither of which can be reflected in the record alone—that Respondent does not hold a legitimate medical degree from the UACJ. The majority of the Committee is convinced that no one who completed all the required courses and social service and passed her examinations would go to Mexico without an appointment in an effort to see her medical school record, have her son attempt to record the proceedings on videotape, and have her husband inquire whether or not New York state had requested a copy of that record; neither, they believe, would she call one of the Department's witnesses in an effort to dissuade him from testifying. The majority of the Committee finds that such measures are desperate and are therefore adequate proof of the invalidity of the transcript and diploma that Respondent presented

to the Education Department when she applied for a license to practice medicine.

The dissenting member of the Committee wishes to emphasize that Respondent's actions do not in themselves provide proof at any level of the invalidity of the transcript and diploma that she submitted to the Education Department when she applied for a license to practice medicine in New York. He adds that the entire Committee has concluded that the Department failed to present any evidence to prove that those documents were fraudulent.

The majority of the Hearing Committee, therefore, finds that Respondent is practicing medicine without a valid license and that such practice constitutes a serious threat to the people of the state of New York.

The majority of the Committee believes as well that Respondent intentionally misrepresented her qualifications when she applied to take ECFMG exams, when she applied to take the FLEX exam, and when she applied for positions at Lenox Hill and Brookdale hospitals.

In addition, the Committee finds that Respondent failed within thirty days to respond to the Health Department's request for records relating to its investigation into the validity of her medical school credentials.

In view of all the foregoing and after seriously considering all possible sanctions, the Committee determines, by a majority of two to one, that Respondent's license to practice medicine shall be revoked.

This penalty represents the Determination of the Hearing Committee, as does its majority vote on the charges and specifications.

**ORDER**

Based upon the foregoing, it is hereby ordered that:

Respondent's license to practice medicine in the state of New York is hereby **REVOKED.**

Dated: New York, New York  
August 29, 2002



ARTHUR ZITRIN, M.D.

Chairperson

ALAN KOPMAN

LEON NADROWSKI, M.D.

IN THE MATTER  
OF  
BELLE KLEINPLATZ GOLDSTEIN

STATEMENT  
OF  
CHARGES

BELLE KLEINPLATZ GOLDSTEIN, the Respondent, was licensed to practice medicine in New York State on or about July 28, 1987, by the issuance of license number 171399 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about June 19, 1986, Respondent made application to the New York State Education Department for a medical license and for registration so as to practice medicine as a physician in the state of New York.
1. On the application and during the application process, Respondent intentionally misrepresented, with the intention to deceive, the following:
    - a. that Respondent had completed all of the requirements and was a graduate of the medical school at the Universidad Autonoma de Ciudad Juarez, Mexico (Autonomous University of the City of Juarez, Mexico, hereinafter referred to as "UACJ");
    - b. that Respondent had earned a degree of Title of Physician-Surgeon, known as a "Titulo", from the UACJ;
    - c. that Respondent was licensed as a physician in Mexico in 1980.

2. During the application process, Respondent fraudulently furnished documents to the New York State Education Department in support of her application for a medical license and for registration which Respondent knew were not valid;
3. Respondent conspired with her brother, Joseph Samuel Kleinplatz, to fraudulently furnish to the Department of Education diplomas and transcripts which purport to confer upon Respondent and her brother the degree of physician/surgeon, and, certify completion of courses required for said degree, respectively, and they conspired to fraudulently furnish to the Department of Education certifications purporting to verify the issuance of said documents.

B. Between on or about October 10, 1978 and on or about April 11, 1981, Respondent submitted repeated applications to the Educational Commission for Foreign Medical Graduates (ECFMG) to take the ECFMG examination.

1. On the October 10, 1978 application, Respondent intentionally misrepresented, with the intention to deceive, the following:
  - a. that she was to be conferred a Degree of Medical Doctor (M.D.) in June 1979.
2. On the April 19, 1979 application, Respondent intentionally misrepresented, with the intention to deceive, the following:
  - a. that she was to be conferred a Degree of Medical Doctor (M.D.) in June 1979;
  - b. that she expected to receive an unrestricted license to practice medicine in June 1979.
3. On the October 11, 1979 application, Respondent intentionally misrepresented, with the intention to deceive, the following:

- a. that she was to be conferred a Degree of Medical Doctor (M.D.) in January 1980.
4. On the May 2, 1980 application, Respondent intentionally misrepresented, with the intention to deceive, the following:
    - a. that she was conferred a Degree of Medical Doctor (M.D.) in January 1980;
    - b. that she received an unrestricted license to practice medicine in April 1980.
  5. On the October 17, 1980 application, Respondent intentionally misrepresented, with the intention to deceive, the following:
    - a. that she was conferred a Degree of Medical Doctor (M.D.) in May 1980.
  6. On the April 11, 1981 application, Respondent intentionally misrepresented, with the intention to deceive, the following:
    - a. that she was conferred a Degree of Medical Doctor (M.D.) in April 1980;
    - b. that she received an unrestricted license to practice medicine in April 1980.
  7. Respondent fraudulently submitted documents to ECFMG which Respondent knew were not valid.
- C. In or about September 1982, Respondent made application to the state of Connecticut, Medical Examiners Board, to take the written FLEX exam for licensing as a physician so as to practice medicine in that state:
1. On the application, Respondent intentionally misrepresented, with the intention to deceive, the following:
    - a. that Respondent had completed her training and was a graduate of the medical program of the UACJ;



Education and OPMC, which records are related to professional misconduct by Respondent.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **FRAUDULENT OBTAINING OF LICENSE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(1)(McKinney Supp. 1999) [formerly, N.Y. Educ. Law §6509 (1)] by fraudulently obtaining a license to practice medicine in the state of New York, as alleged in the facts of:

1. A, A(1) including subparagraphs (a) through (c), A(2) and A(3).

### **SECOND THROUGH SEVENTH SPECIFICATIONS**

#### **FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) [formerly, N.Y. Educ. Law §6509 (2)] by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. A, A(1) including subparagraphs (a) through (c), A(2) and A(3);
3. B, B(1) including subparagraph (a), B(2) including subparagraphs (a) and (b), B(3) including subparagraph (a), B(4) including subparagraphs (a) and (b), B(5) including subparagraph (a), B(6) including subparagraphs (a) and (b) and B(7);
4. C, C(1) including subparagraphs (a) and (b), and C(2);
5. D and D(1) including subparagraph (a);
6. E and E(1) including subparagraph (a);

7. F.

## **EIGHTH THROUGH TWELFTH SPECIFICATIONS**

### **FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1999) [formerly, N.Y. Educ. Law §6509 (9) and 8 N.Y.C.R.R. § 29.1 (6)] by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing, or inducing another person to do so, as alleged in the facts of:

8. A, A(1) including subparagraphs (a) through (c), and A(2);
9. B, B(1) including subparagraph (a), B(2) including subparagraphs (a) and (b), B(3) including subparagraph (a), B(4) including subparagraphs (a) and (b), B(5) including subparagraph (a), B(6) including subparagraphs (a) and (b) and B(7);
10. C, C(1) including subparagraphs (a) and (b), and C(2);
11. D, D(1) including subparagraph (a);
12. E, E(1) including subparagraph (a).

## **THIRTEENTH THROUGH EIGHTEENTH SPECIFICATIONS**

### **MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1999) [formerly, N.Y. Educ. Law §6509 (9) and 8 N.Y.C.R.R. § 29.1 (5)] by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

13. A, A(1) including subparagraphs (a) through (c), A(2) and A(3);
14. B, B(1) including subparagraph (a), B(2) including subparagraphs (a) and (b), B(3) including subparagraph (a), B(4) including subparagraphs (a) and (b), B(5) including subparagraph (a), B(6) including subparagraphs (a) and (b) and B(7);
15. C, C(1) including subparagraphs (a) and (b), and C(2);
16. D, D(1) including subparagraph (a);
17. E, E(1) including subparagraph (a);
18. F.

**NINETEENTH SPECIFICATION**  
**FAILING TO MAKE RECORDS AVAILABLE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(28)(McKinney Supp. 1999) by failing to make available within thirty days relevant records with respect to an inquiry or complaint about the Respondent's professional misconduct, as alleged in the facts of:

19. G.

DATED: July 13, 1999  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

IN THE MATTER  
OF  
BELLE KLEINPLATZ GOLDSTEIN

ACKNOWLEDGEMENT  
OF RECEIPT OF  
NOTICE OF HEARING  
AND STATEMENT  
OF CHARGES

STATE OF NEW YORK)  
COUNTY OF NEW YORK) ss.

I, BELLE KLEINPLATZ GOLDSTEIN, depose and say, as follows:

I am the Respondent in the above-captioned proceedings. I acknowledge and admit that I have received a Notice of Joint Hearing and Statement of Charges in this proceeding, as well as the Security Notice and Summary of the Department of Health Hearing Rules, at the offices of Gaffin & Mayo, P.C., <sup>225</sup>~~233~~ Broadway, New York, New York, and accept service of same. I waive any and all objections to personal jurisdictional in this proceeding. I am not in the military service.



BELLE KLEINPLATZ GOLDSTEIN

Sworn to before me this

*21<sup>st</sup>* day of July, 1999



NOTARY PUBLIC  
CHRISTOPHER MORIK  
Notary Public, State of New York  
No. 31-4999666  
Qualified in New York County  
Commission Expires August 3, 1994  
*2100*