



New York State Board for Professional Medical Conduct

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

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

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

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

PUBLIC

October 19, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Joel Koren, M.D.
107 Lake Avenue
Apartment #1
Saratoga, New York 12866

Re: License No. 172529

Dear Dr. Koren:

Enclosed please find Order #BPMC 04-234 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 26, 2004.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

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

IN THE MATTER

OF

**DAVID JOEL KOREN, M.D.
CO-04-01-0156-A**

CONSENT

AGREEMENT

AND ORDER

BPMC No. 04-234

DAVID JOEL KOREN, M.D., (Respondent) being duly sworn deposes and says:

That on or about September 19, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 172529 by the New York State Education Department.

My current address is 107 Lake Avenue, Apt. #1, Saratoga, NY 12866, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with sixteen (16) 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 sixteen (16) Specifications, in full satisfaction of the charges against me, and hereby agree to the following penalty:

Censure and Reprimand.

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 current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of The Consent Order and will continue while the licensee possess his/her license; and

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

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

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

I, hereby, make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without

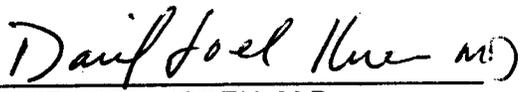
prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 10/4/04



DAVID JOEL KOREN, M.D.
Respondent

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

DATE: 05 October 2004



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 13 October 2004



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
DAVID JOEL KOREN, M.D.
CO-04-01-0156-A

STATEMENT
OF
CHARGES

DAVID JOEL KOREN, M.D., the Respondent, was authorized to practice medicine in New York state on September 19, 1987, by the issuance of license number 172529 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 27, 1999, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, (hereinafter "Pennsylvania Board"), by a Consent Agreement and Order (hereinafter "Pennsylvania Order"), Publically Reprimanded Respondent, based on having been disciplined by New York state on December 22, 1998.

B. On or about January 4, 2000, Respondent prepared and submitted to Saratoga Care, Saratoga Hospital and Nursing Home, an Application for Reappointment, wherein he falsely answered "No" to question "5. Have you been involved in or brought up on misconduct action in the past two years?"

C. On or about August 23, 2000, Respondent prepared and submitted to the New York Education Department, a Registration Remittance Document, wherein he falsely answered "No" to question "2. Since you last filed a registration application. B. Has any other state or country instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence, or revoked, suspended or accepted surrender of a professional license held by you?"

D. On or about December 20, 2001, Respondent prepared and submitted to the New York State Department of Health, a New York State Physician Profile, wherein he falsely

answered "No" to question "12. License Actions B. Out-of-State Licensee Actions. Have any actions been taken against you, except those that remain confidential pursuant to law, as a result of professional misconduct proceedings by any other state or licensing entity within the past 10 years?"

E. On or about January 30, 2002, Respondent prepared and submitted to the New York State Department of Health, a New York State Physician Profile, wherein he falsely answered "No" to question "12. License Actions B. Out-of-State Licensee Actions. Have any actions been taken against you, except those that remain confidential pursuant to law, as a result of professional misconduct proceedings by any other state or licensing entity within the past 10 years?"

F. On or about March 6, 2003, \$200,000.00 was paid in full and final settlement of a claim of alleged malpractice on behalf of Respondent, by his insurance carrier.

G. On or about October 13, 2003, the State of Florida Board of Medicine (hereinafter "Florida Board"), by a Notice of Intent to Approve Licensure with Conditions, approved Respondent's application for licensure and imposed a \$5,000.00 administrative fine, based on Respondent concealing facts during the application interview and concealing facts from the licensure packet regarding action taken by the State of Pennsylvania against his license.

H. As of September 15, 2004, Respondent had not reported the settlement described in Paragraph F above, to the New York State Department of Health, as required by law.

I. The conduct resulting in the Florida Board action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(1) (obtaining the license fraudulently);
2. New York Education Law §6530(20) (moral unfitness); and/or
3. New York Education Law §6530(21) (willfully 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).

SPECIFICATIONS
FIRST THROUGH FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.
2. The facts in Paragraphs A and/or C.
3. The facts in Paragraphs A and/or D.
4. The facts in Paragraphs A and/or E.
5. The facts in Paragraphs F and/or H.

SIXTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

6. The facts in Paragraphs G and/or I.

SEVENTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

7. The facts in Paragraphs G and/or I.

EIGHTH SPECIFICATION

Respondent violated New York Education Law §6530(16) by a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of law, in that Petitioner charges:

8. The facts in Paragraphs F and/or H.

NINTH THROUGH TWELTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

9. The facts in Paragraphs A and/or B.
10. The facts in Paragraphs A and/or C.
11. The facts in Paragraphs A and/or D.
12. The facts in Paragraphs A and/or E.

THIRTEENTH THROUGH SIXTEENTH SPECIFICATIONS

Respondent violated New York Education Law §6530(21) by willfully 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, in that Petitioner charges:

13. The facts in Paragraphs A and/or C.
14. The facts in Paragraphs A and/or D.
15. The facts in Paragraphs A and/or E.
16. The facts in Paragraphs F and/or H.

DATED: *September 24*, 2004
Albany, New York


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

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

IN THE MATTER
OF
DAVID JOEL KOREN, M.D.

CONSENT
ORDER

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

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

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

SO ORDERED.

DATED: 10/18/04



MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct