



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

November 4, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Peter Plotnik, M.D.
3605 Brighton & 14th Street
Brooklyn, New York 11235

RE: License No. 166591

Dear Dr. Plotnik:

Enclosed please find Order #BPMC 98-257 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 4, 1998.**

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

Sincerely,

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

Enclosure

cc: George A. Farkas, Esq.
32 Court Street
Brooklyn, New York 11201

David W. Smith, Esq.

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

IN THE MATTER
OF
PETER PLOTNIK, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #98-257

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

PETER PLOTNIK, M.D., being duly sworn, deposes and says:

That In or about July, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 166591 by the New York State Education Department.

My current address is 3605 Brighton & 14th Street, Brooklyn, New York 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 thirty-three specifications of professional misconduct.

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

I agree not to contest the allegations set forth in First, Thirteenth and Sixteenth Specifications, in full satisfaction of the charges against me.

I hereby agree to the following penalty: Pursuant to §230(a) of the New York Public Health Law, my license to practice medicine shall be permanently limited to prohibit me from any and all clinical practice and to preclude me from treating, examining, diagnosing, evaluating, prescribing for or operating upon any person.

In addition, as a condition placed on my license, should any article concerning medical research be written by me alone or with others, I shall be required to disclose to my editor and co-author(s), if any, the restrictions placed on my license to practice medicine in New York State. Such disclosure shall be made prior to publication.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

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.

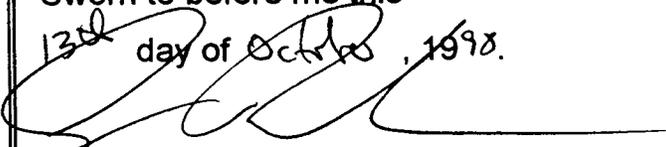
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I 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.


PETER PLOTNIK, M.D.
RESPONDENT

Sworn to before me this

13th day of October, 1998.


NOTARY PUBLIC

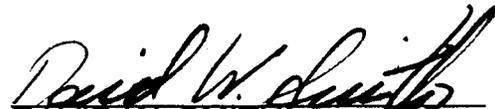
GEORGE FARKAS
Notary Public, State of New York
No. 24 - 4626290
Qualified in Kings County
Commission Expires 30, 19....

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

DATE: 10/14/98


GEORGE A. FARKAS, ESQ.
Attorney for Respondent

DATE: 10/19/98


DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Oct. 22, 1998


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
PETER PLOTNIK, M.D.

CONSENT
ORDER

Upon the proposed agreement of PETER PLOTNIK, 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: 10/28/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

Ex. A

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

IN THE MATTER
OF
PETER J. PLOTNIK, M.D.

STATEMENT
OF
CHARGES

PETER J. PLOTNIK, M.D., the Respondent, was authorized to practice medicine in New York State in or about July, 1986, by the issuance of license number 166591 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between in or about January, 1994 and April, 1994, Patient A was treated by Respondent for abdominal trauma and other medical conditions at Respondent's office at 3605 Brighton and 14th Street, Brooklyn, New York (hereinafter "Office").
 - 1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.
 - 2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
 - 3. Patient A had been in an automobile accident and diagnostic considerations included possibly lethal cardiac, intrathoracic and intra-abdominal trauma. Nevertheless, Respondent failed to adequately evaluate or follow-up or treat such conditions and

failed to refer Patient A to proper specialists or failed to note such evaluation, follow-up, treatment or referral, if any.

4. Respondent inappropriately performed an echocardiogram, sonogram and electrodiagnostic tests on Patient A.
5. Respondent failed adequately to advise Patient A of symptoms or indications of worsening internal injuries or note such advice, if any.
6. Respondent billed Patient A's insurance carrier, Progressive Insurance Co., for durable medical equipment which Patient A did not need and which Respondent knew Patient A did not need.

B. Between in or about January, 1994 and April, 1994, Patient B was treated by Respondent for abdominal trauma and other medical conditions at his Office.

1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.
2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
3. Respondent noted a rebound tenderness of Patient B's abdomen. Nevertheless, he failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

4. Respondent inappropriately performed abdominal and retro peritoneal sonograms on Patient B.
 5. Respondent noted that Patient B had "mild peripheral neuropathy" but nevertheless failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
 6. Respondent inappropriately performed a pulmonary function test on Patient B.
 7. Patient B complained of loss of consciousness and dizziness but Respondent failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
 8. Patient B presented at various times throughout the period with signs of hypertension but Respondent failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
 9. Respondent diagnosed Patient B with lumbar spine injury, but failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
- C. Between in or about May, 1994 and July, 1994, Patient C was treated by Respondent at the Office for head injury and other medical conditions.

1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history if any.
2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
3. Patient C presented with traumatic chest and abdominal pain. Nevertheless, Respondent failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
4. A urinalysis of Patient C conducted by Respondent was positive for infection but Respondent failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
5. Throughout the period, Patient C presented with hypertension but Respondent failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
6. Respondent inappropriately performed an echocardiogram and abdominal and retroperitoneal sonograms on Patient C.
7. Respondent diagnosed Patient C with minimal peripheral neuropathy but failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

8. Respondent failed adequately to warn Patient C of symptoms or indications of worsening internal injuries or note such advice, if any.
 9. Respondent diagnosed Patient C with low back injury but failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
- D. Between in or about May, 1994 and July, 1994, Patient D was treated by Respondent at his Office for post-concussion syndrome and other medical conditions.
1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.
 2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
 3. Urinalysis conducted by Respondent tested positive for hematuria but Respondent failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.
 4. Patient D presented with traumatic chest syndrome and traumatic abdominal pain but Respondent failed adequately to evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

5. Respondent inappropriately performed abdominal and retroperitoneal sonograms, an echocardiogram and a brain MRI on Patient D.
 6. Respondent failed adequately warn Patient D of symptoms or indications of worsening internal injuries or note such advice, if any.
- E. Between in or about January, 1994 and April, 1994, Patient E was treated by Respondent at his Office for head injuries and other medical conditions.
1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.
 2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
 3. Respondent noted possible severe cardio-pulmonary and intra abdominal trauma but failed adequately to evaluate, follow-up or treat these conditions or note such evaluation, follow-up or treatment, if any.
 4. Respondent inappropriately performed an echocardiogram and a sonogram on Patient E.
 5. Respondent noted Patient E with "mild peripheral neuropathy" but failed adequately to evaluate, follow-up or treat such condition or

note such evaluation, follow-up or treatment, if any.

6. Respondent inappropriately performed a pulmonary function test on Patient E.

7. Respondent inappropriately performed a nerve conduction velocity study on Patient E.

8. Patient E presented with hematuria but Respondent failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

9. Respondent diagnosed Patient E with severe neck and back injuries but failed to adequately evaluate, follow-up or treat such condition or note such evaluation, follow-up or treatment, if any.

10. Respondent billed the insurance carrier of Patient E for durable medical equipment which Patient E did not need and which Respondent knew Patient E did not need at the time he billed for it.

F. Between in or about January, 1995, and April, 1995, Patient F was treated by Respondent for trauma and other medical conditions at his Office.

1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.

2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
 3. Respondent inappropriately performed an echocardiogram, sonogram and other diagnostic tests on Patient F.
- G. Between in or about December, 1994, and April, 1995, Patient G was treated by Respondent for trauma and other medical conditions at his Office.
1. Throughout the period, Respondent failed to obtain an adequate medical history or note such history, if any.
 2. Throughout the period, Respondent failed to perform an adequate physical examination or note such examination, if any.
 3. Respondent inappropriately performed an echocardiogram, sonogram and other diagnostic tests on Patient G.
- H. Respondent advertised himself on his letterhead and in medical directories as a Fellow of the American Academy of Pediatrics (FAAP). Such advertising was false and Respondent knew it to be false but did it with intent to deceive.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A and A1-5; B and B1-9; C and C1-9; D and D1-6; and E and E1-9; F and F1-3; and/or G and G1-3.

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1998) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A1-5; B and B1-9; C and C1-9; D and D1-6; and E and E1-9; and F and F1-3; and/or G and G1-3.

THIRD THROUGH SEVENTH SPECIFICATIONS

GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1998) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

3. Paragraphs A1 -5.
4. Paragraphs B and B1-9.
5. Paragraphs C and C1-9.
6. Paragraphs D and D1-6.
7. Paragraphs E and E1-9.

EIGHTH THROUGH TWELFTH SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1998) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

8. Paragraphs A and A1-5.
9. Paragraphs B and B1-9.

10. Paragraphs C and C1-9.
11. Paragraphs D and D1-6.
12. Paragraphs E and E1-9.

THIRTEENTH THROUGH NINETEENTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998) by failing to maintain a record which accurately reflects the evaluation and treatment of each patient, as alleged in the facts of:

13. Paragraphs A and A1-3, 5.
14. Paragraphs B and B1-3, 5, 7, 8, 9.
15. Paragraphs C and C1-5, 7, 8, 9.
16. Paragraphs D and D1-3, 4, 6.
17. Paragraphs E and E1,3, 5, 8, 9.
18. Paragraphs F and F1-2.
19. Paragraphs G and G1-2

TWENTIETH THROUGH TWENTY-SIXTH SPECIFICATIONS

EXCESSIVE TESTING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1998) by the ordering of excessive tests or treatment not warranted by the condition of the patient, as alleged in the facts of:

20. Paragraphs A and A4
21. Paragraphs B and B4, 6.
22. Paragraphs C and C6.
23. Paragraphs D and D5.
24. Paragraphs E and E4, 6, 7.
25. Paragraphs F and F3.
26. Paragraphs G and G3.

TWENTY-SEVENTH THROUGH THIRTY-THIRD SPECIFICATIONS
**PERFORMING SERVICES WHICH LICENSEE IS NOT COMPETENT
TO PERFORM**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(24)(McKinney Supp. 1998) by performing procedures Respondent was not competent to perform, as alleged in the facts of:

27. Paragraphs A and A 4.
28. Paragraphs B and B 4.
29. Paragraphs C and C 6.
30. Paragraphs D and D 5.
31. Paragraphs E and E 4, 7.
32. Paragraphs F and F3.
33. Paragraphs G and G3.

THIRTY-FOURTH THROUGH THIRTY-SIXTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

34. Paragraphs A and A6.
35. Paragraphs E and E10.
36. Paragraph H

THIRTY-SEVENTH THROUGH THIRTY-NINTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1998) 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:

37. Paragraphs A and A6.
38. Paragraphs E and E10.
39. Paragraph H.

DATED: October , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct