



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.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

PUBLIC

February 8, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Daniel Guenzburger, Esq.
NYS Department of Health
5 Penn Plaza – 6th Floor
New York, New York 10001

Richard Finkel, Esq.
Messiner, Kleinberg & Finkel
275 Madison Avenue
New York, New York 10016

RE: In the Matter of Mark Charles Kaufman, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-37) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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,

Redacted Signature

Tyrone T. Butler, Director
Bureau of Adjudication

TTB: mla

Enclosure

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

-----X

IN THE MATTER

OF

MARK CHARLES KAUFMAN, M.D.

-----X

COPY

DETERMINATION

AND

ORDER

ORDER #00-37

DETERMINATION AND ORDER OF THE HEARING COMMITTEE

The undersigned Hearing Committee consisting of **DAVID HARRIS, M.D.**, chairperson, **RANDOLPH MANNING, Ph.D.**, and **ELEANOR KANE, M.D.**, were duly designated and appointed by the State Board for Professional Medical Conduct. **MARY NOE** (Administrative Law Judge) served as Administrative Officer.

The hearing was conducted pursuant to the provisions of Sections 230 (10) of the New York Public Health Law and Sections 301-307 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of provisions of Section 6530 of the New York Education Law by **MARK CHARLES KAUFMAN M.D.** (hereinafter referred to as "Respondent"). Witnesses were sworn or affirmed and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct.

SUMMARY OF PROCEEDINGS

Pre-Hearing date: November 29, 1999

Hearing dates: December 8, 1999
December 22, 1999
January 7, 2000

Deliberation date: January 19, 2000

Place of Hearing: NYS Department of Health
5 Penn Plaza
New York, New York

Petitioner appeared by: Daniel Guenzburger Esq.
Associate Counsel
NYS Department of Health

Respondent appeared: Richard Finkel, Esq.
Messiner, Kleinberg & Finkel
275 Madison Avenue
New York, N.Y. 10016

WITNESSES

Petitioner's Witnesses: Fortune Nava

Respondent's Witnesses: Norman Sveilech, M.D.
Lewis Marshall, M.D.
Eric Steinberg, M.D.
Karen Gimmelli, R.N.
Jean Robert Desrouleaux, M.D.
Lewis Marshall, M.D.
Mark Charles Kaufman, M.D.

SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge, when requested by the Panel, provided the definitions of medical misconduct as alleged in this proceeding.

With regard to the expert testimony herein, including Respondent's, the Committee was instructed that each witness should be evaluated for possible bias and assessed according to his or her training, experience, credentials, demeanor and credibility.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York State on or about August 13, 1982, by the issuance of license number 151257-1 by the New York State Education Department. (Pet. Exh. 2)
2. Respondent submitted an application for a New Jersey medical license in June 1983. (Pet. Exh. 15) On or about May 21, 1984, the New Jersey Board of Medical Examiners denied Respondent a license due to the Respondent's misrepresentations on his curriculum vitae and his terminations at residency programs at North Shore Hospital and Danbury Hospital. (Pet. Exh. 12) The Respondent was represented by an attorney before the New Jersey Board. (Exh. 12)
3. The Respondent graduated from the University of Medicine and Dentistry in Newark in May 1981. (Respondent's Exh. J, Pet. Exh. 5b, T. 183)

AS TO RESPONDENT'S RESIDENCY

4. The Respondent was accepted into a three year residency program in internal medicine at North Shore Hospital, Manhasset, New York. On June 21, 1982, North Shore summarily relieved Respondent of all responsibilities prior to his completion of the residence program (Pet. Exh. 12, p.2; T. 184)

5. The Respondent commenced another residency program in internal medicine at Danbury Hospital in Connecticut. The Danbury Hospital residency program terminated the Respondent prior to his completion of the program on or about May 31, 1983. (Pet. Exh. 12, p. 3, 4; T. 186, 187)

6. The Respondent then attended the John F. Kennedy Hospital family practice residency in Edison, New Jersey for six months from July 1984 to February 1985. (Pet. Exh. 23) The Respondent testified that both JFK and the Respondent jointly decided the Respondent should leave the program. (T 229)

7. The Respondent has never completed a residency program. (T. 249)

8. On March 12, 1993, in the malpractice proceeding, BROWN & KETTERING, (Ohio), Respondent testified that he attended the JFK residency program for "A year and a half." and that he completed the residency in 1984. (Pet. Exh 14, p.9 l.2-7)

9. On the Respondent's curriculum vitae [undated] Respondent stated that he attended the JFK program from June 1983 to June, 1985. (Pet. Exh. 5B)

10. On July 1, 1997 in the case, of Walker v. Carpenter, (Alabama), the Respondent testified as an expert witness and stated he completed the JFK residency. (Pet. Exh. 3, p. 0069, l. 4 - 12)

11. Respondent testified that his prior testimony of July 1, 1997 was incorrect and untruthful. (T 248, 249)

12. On the Respondent's application for appointment to the medical staff of Wycokoff Hospital dated April 17, 1987, under the section of the application entitled Graduate Medical Training, the Respondent failed to note that he attended JFK at all. (Pet. Exh. 24)

13. The Respondent at the present hearing on December 22, 1999 testified that he completed a full year at JFK. (T. 311; 323 -327)

14. The Respondent's representation of his attendance at JFK has varied on various documents and testimony. (Exh. 4; Exh. 5B; Exh. 3; Exh. 24; T. 311, 323 - 327)

AS TO RESPONDENT'S CERTIFICATION

15. The Respondent testified that in 1987 he was not board certified in family practice, yet he represented on his curriculum vitae that he was board certified. (T. 200, 209; Exh 5B)

16. On March 12, 1993 in the case of Brown v. Kettering, Ohio, the Respondent gave sworn testimony as an expert witness that he was board certified in family practice since 1987. (Pet. Exh. 14, p. 13, 14) The Respondent further testified at that deposition that he had failed the test the first time but passed the Board certification the second time. (Pet. Exh. 14, p. 14)

17. The Respondent testified that his prior testimony on March 12 1993 were not honest. (T 234)

18. The Respondent represented on his curriculum vitae that he was a Diplomat of the American Board of Family Practice since 1985. (Pet. Exh. 7, 5B, J)

19. According to the American Board of Family Practice Inc. as of November 23, 1999, the Respondent "...is not currently certified and has never been certified by the American Board of Family Practice." (Exh. 7)

20. On July 12, 1996 Respondent represented in his sworn affidavit in the case of Walker v. Autauga (Alabama) "Affidavit of Mark C. Kaufman M.D. FAAFP".

21. There is no evidence in the testimony or documents that the Respondent is a Fellow of the American Academy for Family Practice. (FAAFP)

22. In the affidavit dated July 12, 1996, the Respondent represented that he was board certified in "family practice" [" added]. (Exh. 6)

23. On July 1, 1997, the Respondent testified in the case of Walker v. Autauga (Alabama) that he was "...board certified in family practice." (Exh. 3 p. 0069, 0070)

24. Dr. Lewis Marshall, Respondent's witness testified that the American Board of Family Practice (ABFP part of ABMS) is better known than the American Board of Certification in Family Practice (AAPS). (T 168) Dr. Marshall also testified that a person hearing a physician state that he is "board certified" might interpret the "board" as the "ABMS". (T 168) Dr. Marshall stated that the ABMS requires three years of residency while the AAPS does not. (T 166) Finally he testified that he knew of only four physicians in New York state who had been certified in family practice by the ABCFP(AAPS). (T. 168, 176-177)

25. Dr. Lewis Marshall testified that an applicant could only call himself board eligible from the date he had received his letter from the ABCFP informing him that he could sit for the certifying examination. (T 179)

26. The Respondent received his notification that he could sit for the examination in 1995. (T. 179; T 246)

27. Respondent's curriculum vitae states "Board Eligible-Family Practice, 1985-1995". (Exh. J; Exh. 3 p.0069)

28. In the case of Walker v. Autauga (Alabama), on July 7, 1997 the Respondent was asked the question [referring to his CV], "And it says you were board eligible in family practice from '85 to '95." Respondent answered, "Yeah, I just didn't take the Boards." (Exh 3 p. 0069)

29. The Respondent testified that when he was asked that question, he did not understand it. (T 309)

AS TO LITTLE NECK COMMUNITY HOSPITAL (DEEPDALE)

30. On or about 1994, the Respondent submitted an application to the Little Neck Community Hospital for reappointment and renewal of privileges. The Respondent represented on that application that he had never been denied a license in any state and that he had never been terminated or suspended from Medicaid; (Pet. Exh. 13) when in fact New Jersey had denied his a license and Medicaid suspended him from its program for a period of time. (Pet. Exh. 12, T. 273)

31. On September 30, 1994, in a letter to the Respondent from Little Neck Community Hospital, the Hospital denied Respondent's application for reappointment because of

- "1. The presentation of materially false and misleading statement on your initial application for privileges in 1989, and within your applications for reappointment in 1992 and 1994 in that you materially misrepresented certain facts concerning your licensure and your activities at other institutions;
2. Your failure to disclose the fact that you were named as a defendant in a medical malpractice action instituted by the Estate of Natalie Mitnick; and
3. Your failure to disclose a past suspension from Medicaid." (Pet. Exh. 11)

32. Respondent testified that as to his reapplication to Little Neck Hospital, he did not respond correctly to the question regarding whether he had been denied a medical license in any other state. (T 224)

AS TO FRANKLIN GENERAL HOSPITAL

33. On January 11, 1996, the Respondent submitted an application for reappointment to the medical staff of Franklin General Hospital, Valley Stream, NY and misrepresented that his privileges at Little Neck Community Hospital had not been renewed due to a lack of utilization rather than the truth.

(Pet. Exh. 10, Exh. 11) On that same application, Respondent represented that he was denied a New Jersey license because of insufficient years of training. (Pet. Exh. 10, Exh. 12)

34. Petitioner's witness, Mr. Fortune Nava is a senior medical conduct investigator for the New York State Department of Health. (T. 27)

35. Mr. Nava testified that he told the Respondent that after the Department's investigation, the case could be administratively closed or presented to an administrative committee and that he would be notified by mail in either case. (T. 33) Mr. Nava also testified that OPMC never gave the Respondent a final disposition and the case remained open. (T. 87, 96 97, 99)

36. The Respondent met with Mr. Nava on four different occasions from 1994 through 1999. (T 96)

37. Respondent testified that he had an attorney present at the investigations. (T. 258, 252)

38. The Respondent was never informed by OPMC that his case was closed. (T 97)

39. On an application to Franklin General Hospital dated January 11, 1996, Respondent represented, "I was investigated by OPMC in 1994 due to a Patient's complaint from 1991 -- The result was a favorable one for me.-No further recourse by the State." (Pet. Exh. 10)

40. In the case of Walker v. Autauga (Alabama), on July 1, 1997, the Respondent testified as an expert. He was asked the question, "So with regard to Deep Dale Community Hospital, what actually -- they denied your privileges?" The Respondent answered, "Well, they denied my privileges, they reported me to the State, the State investigated it and they feel that there was no -- there was nothing wrong about it." (Exh. 3 p. 102)

41. Respondent testified that his answer regarding whether he was denied privileges in 1997 was inaccurate. (T 218)

42. Five weeks prior to the Respondent testifying on July 1997, OPMC investigator Fortune Nava and OPMC Medical Coordinator Dr. Roger Steinhardt had interviewed the Respondent a second time regarding the issue of alleged false answer on Respondent's application to Little Neck Community Hospital. (Pet. Exh 9; T. 44-45)

43. Respondent testified that in his prior testimony in the case of Walker v. Autauga (Alabama) he showed very poor judgment in light of the recent interviews with OPMC. (T 255)

44. Respondent admitted he made misrepresentations and lied on a variety of documents and sworn testimony. (T. 299)

DISCUSSION

The Hearing Committee recognizes the standards New York State places on all physicians license to practice medicine of honesty and integrity. The Respondent pattern of deceiving and omitting information on documents and misrepresenting himself as an expert witness's has spanned a more than ten year history. It is impossible for a hospital or a patient to make an informed decision if physicians hide information or misrepresent facts. Patients go to hospitals and to physicians relying on the credentials the physician has represented. This ultimately places patients at risk.

The Respondent always represented that he had better qualification than were actually true thereby allowing hospitals and patients to place a higher level of trust in him.

Respondent's explanation for his behavior are specious. His testimony regarding his "block out" of certain facts (T 224, 225, 274, 293, 294) is without any supporting evidence. The Respondent not only blocks out information by omitting facts but fabricates information as well. (T. 274) Based on the evidence the only facts that were ever omitted on documents were the facts which were unfavorable to him.

Respondent testified that facts were placed on documents "haphazardly" (T 272, 225, 220, 221, 271, 273, 274, 293, 294). In all signal documents, such as a renewal of privileges and statements under oath, he chose answers which were in his own best interest. Respondent refuses to admit that questions answered haphazardly were always to his own benefit. (T 297, 298)

Respondent's explanation of "bad judgment" (T 272, 248, 255, 269) is not an excuse to deceive. Furthermore, in all the documents that were exhibits in this case, the information was not a question of judgment but rather questions of fact.

Respondent continuously refers to an "overly optimistic view" regarding his five meetings with OPMC. (T 215, 218, 233, 253, 258, 275, 293, 294) The Respondent had no basis for his view in light of the repeated interviews, and by his own response of having an attorney present at these interviews.

The Hearing Panel finds the Respondent not credible. Replete throughout the testimony was the Respondent's own incredible statements regarding the misrepresentation of facts in documents and prior testimony.

- Respondent's testimony as to why he answered "no" to prior licenses denied is that he had not read the question right on a hospital reappointment application. (T 271)

- Respondent states he was "confused" about questions on Deepdale's reapplication for appointment to hospital. (T 223)

- Respondent states he didn't read the New Jersey order denying his right to a license in that state. (T 228)

- Respondent testified that on an application for reappointment to Franklin General Hospital (Exh 10), that his answer to whether he had been denied privileges at another hospital "no"

was a correct and honest answer. (T 230, 231)

- Despite the letter from Deepdale Hospital, Respondent testified he was not renewed privileges due to "lack of utilization, New Jersey denial of licensure and not enough PGY years." (T 231)

- Respondent testified that as an expert, he did not realize the type of questions he would be asked regarding his experience and qualifications. (T 306, 307)

- Respondent did not believe that stating he was board certified, when he was not, was misleading. (T 308)

- Respondent testified that often he did not understand the question, (T 308, 309) didn't read the question (T 271), didn't read the question right (T 272).

- Respondent testified that his answers to reapplication to Franklin General Hospital were honest and truthful at the time (T 232) and has addressed this with legal counsel. (T 232)

- Respondent testified that his ability as a physician was never in question. (T 264) Yet the Respondent's ability is questioned both in New Jersey order dated 1984, and Respondent's exhibit K from the Island Peer Review Organization dated March 9, 1993. (Exh 12; Exh K)

- Respondent stated that the last time he misrepresented himself was in 1996, and in 1997 only because he was not listening to the question and did not understand the question. (T 279)

- Respondent admits that his curriculum vitae omits his experience at Dobbs Ferry Hospital, HIP, Menorah and Grand Graham. (T 292)

The Hearing Panel discredited the Respondent's character witnesses. Not one witness was able to testify as to the charges before this Panel, information that any witness should have prior to testifying.

Respondent's counsel's argument regarding the lapse of time between interviews with OPMC is without basis. The Hearing Panel recognizes first that there is no statute of limitation that governs these cases. Secondly, the Respondent was first interviewed by OPMC in 1992. Such an interview would be a signal to a person to proceed cautiously regarding misrepresentation of facts. yet after five interviews with OPMC from 1992 till 1999, the Respondent continued to misrepresent himself.

Respondent's counsel's argument regarding OPMC "proceedings" versus investigation is without merit. The Respondent had legal counsel who was paid to know and advise the Respondent of the nature of the investigations.

PANEL'S DETERMINATION ON CHARGES

Paragraph A(1) through A(4) is **SUSTAINED**

Paragraph B(1) through B(3) is **SUSTAINED**

Paragraph C is **SUSTAINED**

Paragraph D is **SUSTAINED**

Paragraph E is not **SUSTAINED**

PANEL'S DETERMINATION ON SPECIFICATION

First Through Ninth Specification is **GUILTY**

Tenth Specification is **NOT GUILTY**

Eleventh Through Sixteenth Specification is **GUILTY**

Seventeenth is **NOT GUILTY**

Eighteenth Specification as to Paragraph A, A1, A1, A3, A4, B, B1, B2, B3, C, D is

GUILTY

Eighteenth Specification as to Paragraph E is **NOT GUILTY**

DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY

The hearing Committee, unanimously, after giving due consideration to all the penalties available have determined that the Respondent's license to practice medicine in the state of New York should be **REVOKED.**

DATED: New York, New York

February 3, 2000

Redacted Signature

**DAVID HARRIS, MD
RANDOLPH MANNING, Ph.D.
ELEANOR KANE, M.D.**

APPENDIX I

IN THE MATTER
OF
MARK CHARLES KAUFMAN, M.D.

STATEMENT
OF
CHARGES

MARK CHARLES KAUFMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 13, 1982, by the issuance of license number 151257-1 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In or about and between May 1996 and July 1997 the Respondent participated as an expert witness in a malpractice proceeding entitled Charles Wayne Walker, as Administrator of the Estate of Betty Fischer v. Autauga Medical Center, et. al., #CV-94-242-D, filed in the Circuit Court of Autauga County, Alabama.
1. On or about May 9, 1996, at the onset of Respondent's participation in the proceeding, J. Steven Clem, Esq., attorney for Charles Walker, provided the other four attorneys of record with a copy of Respondent's curriculum vitae ("CV"). The Respondent, with the intent to mislead, knowingly and falsely represented on the CV that he was a Diplomate of the American Board of Family Practice since 1985, when, in fact, he knew that he never held such a status.
 2. By stating in an affidavit dated July 12, 1996, that he was board

certified in family practice, the Respondent failed to disclose with the intent to mislead that he was not board certified by the American Board of Family Practice ("ABFP"), the professional organization authorized by the American Board of Medical Specialties to board certify family practitioners. Respondent knew that the parties, their attorneys, court personnel and others would conclude from reading the affidavit that Respondent was board certified by the ABFP.

3. By testifying at a deposition on July 1, 1997, that he took and successfully passed the family practice boards in January, 1996, Respondent failed to disclose, with the intent to mislead, that the ABFP had never certified him in family practice.
4. Respondent knowingly and falsely represented at the July 1, 1997 deposition that the Office of Professional Medical Conduct ("OPMC") had resolved a complaint from Deepdale Hospital regarding alleged misrepresentations on a hospital application by finding "there was nothing wrong", when, in fact, Respondent knew that OPMC had not yet concluded its inquiry nor reached any conclusion regarding the allegations in the Deepdale complaint.

B. On Respondent's January 11, 1996 application for reappointment to the medical staff of Franklin General Hospital, Valley Stream, NY, the Respondent:

1. Knowingly and falsely represented with the intent to mislead that his privileges had not been renewed at Little Neck Community Hospital due to lack of utilization when, in fact, he knew that the reason Little Neck Community Hospital had declined to renew his privileges was that he had failed to disclose material facts about his professional history, including that New Jersey had denied him a medical license, that his Medicaid privileges had been restricted, and that he had been a defendant in a malpractice action.
2. Knowingly and falsely represented with intent to mislead that New Jersey had denied him a license because of insufficient years of training, when, in fact, Respondent knew that New Jersey declined to grant him a license because of a misrepresentation on his application for New Jersey licensure, misrepresentations on applications to two residency programs, and because of "evasive and untruthful" responses to questions posed to him by representatives of the New Jersey Board of Medical Examiners.
3. Failed to disclose, with the intent to deceive, the issues in a pending Office of Professional Medical Conduct investigation. Although Respondent revealed that he was being investigated for

a 1991 patient complaint, he intentionally failed to disclose that he was also being investigated for alleged misrepresentations to various entities.

- C. On Respondent's 1994 application for medical staff reappointment and renewal of clinical privileges to the Little Neck Community Hospital, Little Neck, NY, the Respondent knowingly and falsely represented that no state had ever denied him a medical license when, in fact, he knew that he had been denied a medical license by New Jersey.
- D. In sworn testimony at a deposition dated March 12, 1993 in Naomi Brown, Administratrix of the Estate of Kathy Rainey v. Kettering Memorial Hospital et al., a case filed in the Common Pleas Court of Montgomery County, Ohio, Respondent knowingly and falsely represented that he became board certified in family practice in 1987, when, in fact, he knew that he was never board certified in family practice.
- E. On his New Jersey application for medical licensure dated June 16, 1983, Respondent knowingly and falsely represented that he had never suffered from nor been treated for any mental illness or psychiatric problem when, in fact, he knew that he had suffered from and been treated for a mental illness or psychiatric problem.

SPECIFICATION OF CHARGES

FIRST THROUGH TENTH SPECIFICATIONS

FRAUDULENT PRACTICE

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

1. Paragraphs A and A1.
2. Paragraphs A and A2.
3. Paragraphs A and A3.
4. Paragraphs A and A4.
5. Paragraphs B and B1.
6. Paragraphs B and B2.
7. Paragraphs B and B3.
8. Paragraph C.
9. Paragraphs D.
10. Paragraphs E.

ELEVENTH THROUGH SEVENTEENTH SPECIFICATIONS

FALSE REPORTS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1999) by willfully making or filing a false report, as alleged in the facts of:

11. Paragraphs A and A1.
12. Paragraphs A and A2.
13. Paragraphs B and B1.
14. Paragraphs B and B2.
15. Paragraphs B and B3.
16. Paragraph C.
17. Paragraph E.

EIGHTEENTH SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1999) 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:

18. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, C, D, and/or E.

DATED: October 25, 1999
New York, New York

Redacted Signature

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct