



**Board for Professional Medical Conduct**

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

April 10, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

David Baldinger, M.D.  
9732 East Pebble Creek Court  
Iverness, Florida 33450

RE: License No. 175454  
Effective Date: 04/17/95

Dear Dr. Baldinger:

Enclosed please find Order #BPMC 95-81 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

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

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

-----X  
IN THE MATTER :  
OF :  
DAVID BALDINGER, M.D. :  
Respondent :  
-----X

ORDER  
BPMC #95-81

Upon the Application of DAVID BALDINGER, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 7 April 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
DAVID BALDINGER, M.D., : LICENSE  
Respondent

-----X

STATE OF FLORIDA )

ss.:

COUNTY OF CITRUS )

DAVID BALDINGER, M.D. being duly sworn, deposes and says:

On or about July 26, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 175454 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice medicine in the State of New York.

I understand that I have been charged with one Specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification of misconduct set forth in the attached Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

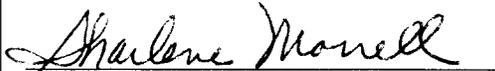
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



DAVID BALDINGER, M.D.  
Respondent

Sworn to before me this  
28 day of March, 1995

  
NOTARY PUBLIC  
Fl. Driver license iD



**SHARLENE MORRELL**  
COMMISSION # CC 405072  
EXPIRES SEP 24, 1998  
BONDED THRU  
ATLANTIC BONDING CO., INC.

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

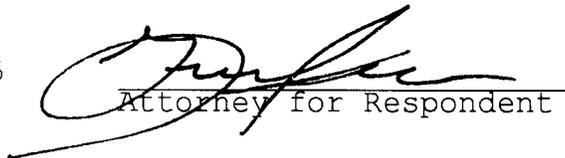
-----X  
IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
DAVID BALDINGER, M.D., : LICENSE  
Respondent  
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 3/28/, 1995

  
DAVID BALDINGER, M.D.  
Respondent

Date: 3-31, 1995

  
Attorney for Respondent

Date: 4/3, 1995

  
FREDERICK ZIMMER  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: \_\_\_\_\_, 1995

\_\_\_\_\_  
KATHLEEN M. TANNER  
Director, Office of  
Professional Medical Conduct

Date: 7 April, 1995

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

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
DAVID BALDINGER, M.D. : CHARGES  
Respondent :  
-----X

DAVID BALDINGER, M.D., the Respondent, was authorized to practice medicine in New York State on July 26, 1988 by the issuance of license number 175454 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. The Florida Department of Business and Professional Regulation, Board of Medicine ("Florida Board"), by a Final Order dated November 19, 1993, amended a Consent Agreement of August 24, 1993, entered into by Respondent and the Florida Department of Professional Regulation. The Final Order placed Respondent's license to practice medicine in Florida on probation for a period of one year subject to certain terms and conditions including, among other things, requirements that he be indirectly supervised by a physician approved by the Florida Board or its Probation Committee and that the monitoring physician submit semi-annual reports concerning Respondent's compliance with the terms of probation. Respondent was further required by the Final Order to perform 100 hours of community service per year for a two year

period, to pay an administrative fine in the amount of \$8,000.00 and was reprimanded by the Florida Board.

B. The conduct resulting in the Florida disciplinary action included Respondent's having received a commission, bonus, kickback or rebate, or having engaged in a split-fee arrangement with an organization, agency, or person, either directly or indirectly, for patients referred to a provider of health care goods and services in that he engaged in a split-fee arrangement with a pharmacist, through which he received a 25% kickback from all sales of KETOPROFEN creme prescribed by Respondent, and received monies therefrom, in violation of Florida Statute §458.331(1)(i). Respondent admitted that, if proven, the facts described above would constitute a violation of Florida Statutes, Regulation of Professions and Occupations, §458.331(1)(i).

C. The conduct resulting in the Florida disciplinary action, would, if committed in New York State, constitute professional misconduct under the following provisions of New York State law:

1. N.Y. Educ. Law §6531 (McKinney Supp. 1995) [directly or indirectly receiving or participating in the splitting of a fee in connection with the furnishing of professional care or services and/or for the furnishing of drugs, medication, medical supplies or any other goods, services or supplies prescribed for medical care, diagnosis or treatment]; and/or
2. N.Y. Educ. Law §6530(18) (McKinney Supp. 1995): [receiving or agreeing to receive a fee from a patient

party in connection with the performance of professional services].

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having had disciplinary action taken against him by the duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995) in that the Petitioner charges the facts in Paragraphs A, B and C and C.1 and/or C.2.

DATED: *February 17*, 1995  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct