



***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

**PUBLIC**

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

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

December 3, 2003

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Mark Louis Hornfeld, D.O.  
~~XXXXXXXXXX~~ *207 EAST 16<sup>TH</sup> STREET*  
New York, NY ~~10003~~  
*10003*

Re: License No. 179425

Dear Dr. Hornfeld:

Enclosed please find Order #BPMC 03-333 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 10, 2003.

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

cc: Alan Lambert, Esq.  
McAloon & Friedman, P.C.  
123 William Street  
New York, NY 10036

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

IN THE MATTER  
OF  
MARK HORNFIELD, D.O.

CONSENT  
ORDER  
BPMC No. 03-333

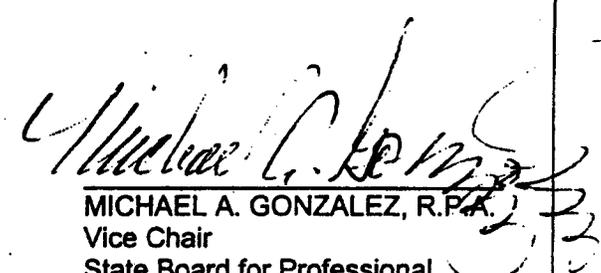
Upon the proposed agreement of MARK HORNFIELD, D.O., (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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: 12/3/03

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

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

IN THE MATTER  
OF  
MARK HORNFIELD, D.O.  
NY-01-10-5273-A

CONSENT  
AGREEMENT  
AND ORDER

MARK HORNFIELD, D.O., (Respondent) deposes and says:

That on or about August 8, 1989, I was licensed to practice as a physician in the State of New York, having been issued License No. 179425 by the New York State Education Department.

My current address is ~~207 East 16th Street~~ *207 East 16th Street* *10003*, New York, NY ~~10020~~ and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with one (1) specification 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 one (1) specification, in full satisfaction of the charges against me. I agree, hereby, to the following penalties:

Three (3) years suspension of my New York state license to practice medicine, stayed, with five (5) years probation, attached hereto as Exhibit B.

My medical license shall be permanently restricted from the treatment of female patients aged seventeen years or younger.

Within ninety (90) days of the effective date of this Order I shall obtain an evaluation by a board certified psychiatrist specializing in sexual disorders, proposed by Respondent and subject to the written approval of the Director of OPMC. A copy of the evaluation report shall be provided directly to the Director. I shall be subject to whatever limitations, or further conditions the Director, in his reasonable discretion, may impose pursuant to the findings of the evaluation report.

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 active 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: 11/21/03



MARK HORNFELD, D.O.  
Respondent

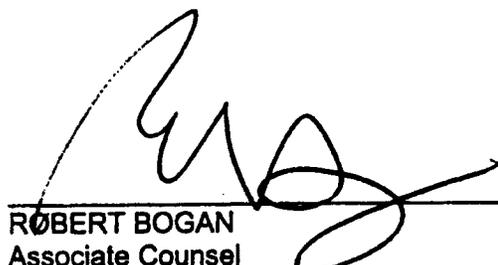
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/21/03



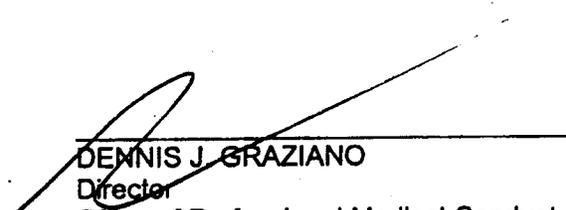
ALAN LAMBERT, ESQ.  
Attorney for Respondent

DATE: 01 December 2003



ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 02 December 2003



DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

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IN THE MATTER  
OF  
MARK LOUIS HORNFIELD, D.O.  
NY-01-10-5273-A

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STATEMENT  
OF  
CHARGES

MARK LOUIS HORNFIELD, D.O., the Respondent, was authorized to practice medicine in New York state on August 8, 1989, by the issuance of license number 179425 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 16, 2001, in the First District Court of Nassau County, New York, Respondent was charged with two (2) counts of Attempted disseminating indecent material to minors in the first degree, in violation of New York Penal Law, Sections 110.00 and 235.22, a class E felony, and on or about February 7, 2002, he was found guilty, based on a plea of guilty, of one (1) count of Attempted disseminating indecent material to minors in the second degree, in violation of New York Penal Law, Section 110.00 and 235.21, a class A misdemeanor, and on or about April 5, 2002, was sentenced to a \$250.00 fine and three (3) years probation with additional conditions of probation pertaining to sex offenders.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Sept.* 17, 2003  
Albany, New York

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

## **EXHIBIT B**

### **Terms of Probation**

- 1. Respondent shall conduct himself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.**
- 2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.**
- 3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.**
- 4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.**
- 5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, computer files, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.**
- 6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.**
- 7. Respondent shall remain in therapy with a board certified psychiatrist as long as the therapist determines is necessary, or for the period of time dictated in the Order. Such psychiatrist shall be proposed by Respondent and approved by the Director OPMC.**
- 8. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.**
- 9. Respondent shall comply with any request from OPMC to obtain an independent psychiatric evaluation by a health care professional proposed by the Respondent and approved, in writing by the Director of OPMC.**

10. Respondent shall comply with all terms, conditions, restrictions, limitations, and penalties and any charges and/or amendments thereto, imposed by the First District Court of Nassau County, with regard to the conviction set forth in Paragraph A of the Statement of Charges attached, hereto, as Exhibit A.

11. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.