

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

IN THE MATTER
OF
JESSE SILVERMAN, M.D.

CONSENT
ORDER

BPMC No. #08-110

Upon the proposed agreement of **JESSE SILVERMAN, 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.

Redacted Signature

DATED: 6-17-2008

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JESSE SILVERMAN, M.D.
CO-07-11-6734-A

CONSENT
AGREEMENT
AND ORDER

JESSE SILVERMAN, M.D., (Respondent) being duly sworn deposes and says:

That on or about July 23, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 120896 by the New York State Education Department.

My current address is 16 Pocono Road, Suite 217, Denville, NJ 07834.

I understand that the New York State Board For Professional Medical Conduct has charged me with two (2) Specifications of professional medical misconduct, based solely upon the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, September 12, 2007, Consent Order.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, in full satisfaction of the charges against me.

The New York State Department of Health has offered to settle this matter by my agreeing to a two (2) years suspension of my New York State license to practice medicine, stayed, with four (4) years probation to run concurrent and coterminous with the probation imposed by the State of New Jersey, and that I keep my New York State license registration active.

I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state.

I agree, therefore, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

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

I make, hereby, 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:

Redacted Signature

DATED: 6/11/2008

JESSE SILVERMAN, 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: 6/11/2008

Redacted Signature

DONALD R. BELSOLE
Attorney for Respondent

DATE: 13 June 2008

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/16/08

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
JESSE SILVERMAN, M.D.
CO-07-11-6734-A

STATEMENT
OF
CHARGES

JESSE SILVERMAN, M.D., Respondent, was authorized to practice medicine in New York state on July 23, 1974, by the issuance of license number 120896 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 12, 2007, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), inter alia, suspended Respondent's license to practice medicine and surgery for one (1) year, followed by a four (4) year period of probation, the period of suspension stayed and served as a period of probation pursuant to conditions, and imposed \$9,842.26 costs, based on engaging in sexual misconduct with two female nurses.

B. The conduct resulting in the New Jersey Board disciplinary 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(20) (moral unfitness).

SPECIFICATIONS
FIRST 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:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *May 1*, 2008
Albany, New York

Redacted Signature

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