



***New York State Board for Professional Medical Conduct***

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

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*NYS Department of Health*  
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*Office of Professional Medical Conduct*

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*Vice Chair*  
*Katherine A. Hawkins, M.D., J.D.*  
*Executive Secretary*

August 26, 2010

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

Daniel Ivan Shapiro, M.D.

REDACTED

Re: License No. 182072

Dear Dr. Shapiro:

Enclosed is a copy of BPMC #10-156 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 2, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Carolyn Shearer, Esq.  
Bond, Schoeneck & King, PLLC  
111 Washington Avenue  
Albany, NY 12210-2211

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

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IN THE MATTER  
OF  
DANIEL IVAN SHAPIRO, M.D.

CONSENT  
ORDER

BPMC No. #10-156

Upon the application of **DANIEL IVAN SHAPIRO, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 8-25-2010

REDACTED

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

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IN THE MATTER

CONSENT

OF

AGREEMENT

DANIEL IVAN SHAPIRO, M.D.  
CO-09-04-2206-A

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DANIEL IVAN SHAPIRO, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about May 11, 1990, I was licensed to practice medicine in the State of New York and issued license number 182072 by the New York State Education Department.

My current address is REDACTED and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely on the April 2, 2009, Arizona Medical Board, Consent Agreement for Letter of Reprimand, Probation and Monitored After-Care Program.

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

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a \$10,000.00 fine, the requirements I comply with all the terms in the Arizona Agreement and appear before the Director prior to practicing medicine in New York state, and that I keep my New York state license registration active.

As 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 do not contest the Second Specification, in full satisfaction of the charges against me, and:

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

to never practice medicine in New York state

or activate my registration to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 8/10/2010

REDACTED

DANIEL IVAN SHAPIRO, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 8/18/2010

REDACTED

CAROLYN SHEARER  
Attorney for Respondent  
1

DATE: 19 August 2010

REDACTED

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 8/25/10

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

**IN THE MATTER**  
**OF**  
**DANIEL IVAN SHAPIRO, M.D.**  
**CO-09-04-2206-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**DANIEL IVAN SHAPIRO, M.D.**, Respondent, was authorized to practice medicine in New York state on May 11, 1990, by the issuance of license number 182072 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A On or about April 2, 2009, the Arizona Medical Board (hereinafter "Arizona Board"), by a Consent Agreement for Letter of Reprimand, Probation and Monitored After-Care Program (hereinafter "Arizona Agreement"), inter alia, issued Respondent a Letter of Reprimand and placed him on five (5) years probation with terms and conditions, based on intentionally disclosing a professional secret or intentionally disclosing a privileged communication, habitual intemperance in the use of alcohol or habitual substance abuse, using controlled substances except if prescribed by another physician for use during a prescribed course of treatment, engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation: engaging in or soliciting sexual relationships, whether consensual or nonconsensual.

B The conduct resulting in the Arizona Board disciplinary actions 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(2) (practicing the profession beyond its authorized scope);
2. New York Education Law §6530(8) (being a habitual abuser of alcohol);
3. New York Education Law §6530(17) (exercising undue influence on the patient);
4. New York Education Law §6530(20) (moral unfitness); and/or
5. New York Education Law §6530(23) (revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient).

**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 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 Education Law §6530(9)(d) by having disciplinary action taken by a 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 that Petitioner charges:

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

DATED: *February 10*, 2010  
Albany, New York

REDACTED

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