



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

William P. Dillon, M.D.
Chair

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

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

February 25, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stuart Edwin Strausberg, D.O.
11718 Barrington Court
Los Angeles, CA 90049

RE: License No. 120721

Dear Dr. Strausberg:

Enclosed please find Order #BPMC 03-50 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 25, 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 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: Donald J. Calabria, Esq.
City Bank Building
16133 Ventura Blvd.
Suite 1270
Encino, CA 91436

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

IN THE MATTER
OF
STUART EDWIN STRAUSBERG, D.O.
CO-02-08-4169-A

CONSENT
AGREEMENT
AND ORDER
BPMC No. 03-50

STUART EDWIN STRAUSBERG, D.O., (Respondent) deposes and says:

That on or about July 12, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 120721 by the New York State Education Department.

My current address is 11718 Barrington Court, Los Angeles, CA 90049 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 two (2) specifications 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 two (2) specifications, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

Probation for a period of five (5) years or until the successful completion of the terms in the California Board, Stipulation Settlement and Disciplinary Order , dated June 10, 2002, whichever happens first.

Furthermore, I shall be required to demonstrate to the Director of OPMC my competence to practice medicine safely before returning to practice in New York state. I agree to abide by whatever conditions or limitations the Director may impose in his reasonable discretion.

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.

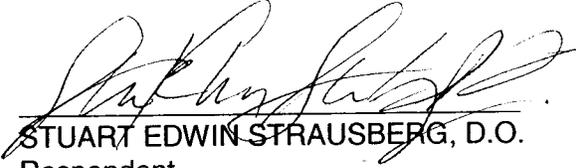
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of 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.

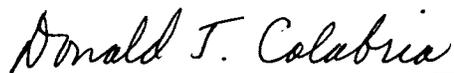
AFFIRMED:

DATED: 2/1/03

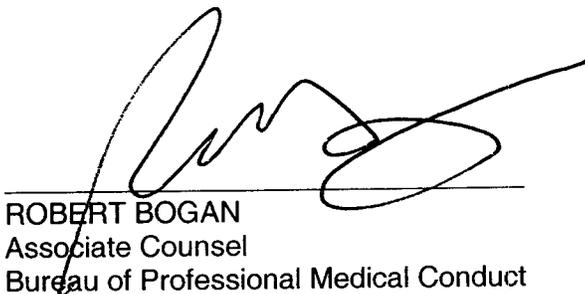

STUART EDWIN STRAUSBERG, D.O.
Respondent

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

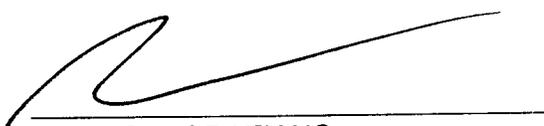
DATE: 2-1-03


DONALD J. CALABRIA, ESQ.
Attorney for Respondent

DATE: 10 February 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 18 February 2003


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
STUART EDWIN STRAUSBERG, D.O.
CO-02-08-4169-A

STATEMENT
OF
CHARGES

STUART EDWIN STRAUSBERG, D.O., the Respondent, was authorized to practice medicine in New York state on July 12, 1974, by the issuance of license number 120721 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 16, 2002, the Osteopathic Medical Board of California, (hereinafter "California Board"), by a Decision and Order, revoked Respondent's license to practice medicine, stayed the revocation, and placed him on five (5) years probation with terms and conditions, to include ten (10) days actual suspension from the practice of medicine, that he successfully complete a Prescribing Practices Course, a Medical Record Keeping Course, twenty (20) hours of CME, and a medical ethics course, that he take and pass an oral examination, and that he pay \$10,182.50 costs of investigation and prosecution, based on prescribing controlled substances to patients without a good faith prior examination and without medical indication, repeated acts of negligence, gross negligence, and failure to properly maintain patient records.

B. The conduct resulting in the California 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 (3) (negligence on more than one occasion);
2. New York Education Law §6530 (4) (gross negligence);
3. New York Education Law §6530 (5) (incompetence on more than one occasion);
4. New York Education Law §6530 (6) (gross incompetence);

5. New York Education Law §6530 (20) (moral unfitness); and/or
6. New York Education Law §6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment 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 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 Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation 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: *Sept. 25*, 2002
Albany, New York

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

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

IN THE MATTER OF
STUART EDWIN STRAUSBERG, D.O.

CONSENT
ORDER

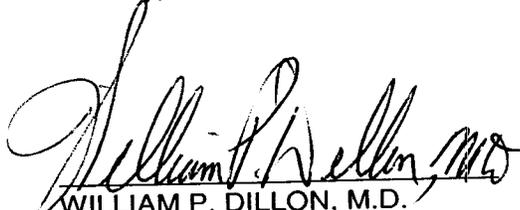
Upon the proposed agreement of **STUART EDWIN STRAUSBERG, D.O.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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: 2/24/03



WILLIAM P. DILLON, M.D.

Chair
State Board for 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. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. Respondent shall comply fully with the June 10, 2002, Stipulated Settlement and Disciplinary Order of the Osteopathic Medical Board of California and any extension or modification thereof.
6. Respondent shall provide a written authorization form from the Osteopathic Medical Board of California to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the California Order.
7. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the California Order during the declaration period specified.
8. If Respondent returns to New York state prior to the completion of the California Order then the Director, OPMC may impose reasonable conditions on Respondent's license.
9. 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.