



New York State Board for Professional Medical Conduct

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

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 23, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Elisabeth Leimer-Monshaw, M.D.
Revere House
Scarsdale, NY 10583-1561

RE: License No. 147349

Dear Dr. Leimer-Monshaw:

Enclosed please find Order #BPMC 97-119 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
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: Jeffrey Ruggiero, Esq.
Lester, Schwab, Katz & Dwyer
120 Broadway
New York, NY 10271-0071

Cindy M. Fascia, Esq.

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

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IN THE MATTER : CONSENT
OF : ORDER
ELISABETH B. LEIMER-MONSHAW, M.D. : BPMC #97-119

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STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

ELISABETH B. LEIMER-MONSHAW, M.D., being duly sworn, deposes and says:

That on or about August 7, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 147349 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York through February 1998, with a registration address of Revere House, Scarsdale, New York 10583.

I understand that the New York State Board for Professional Medical Conduct has charged me with six 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 Factual Allegations set forth in Exhibit A.

I hereby accept the following penalties:

1. A censure and reprimand.

2. A civil penalty in the amount of ten thousand dollars (\$10,000), which must be paid as follows: the first payment in the amount of five thousand dollars (\$5,000) must be paid in full within thirty (30) days of the effective date of this Consent Order. The second and final payment in the amount of five thousand dollars (\$5,000) must be paid in full within one hundred twenty (120) days of the effective date of this Consent Order. Payment must be made to the Bureau of Accounts Management, New York State Department of Health, Empire State Plaza, Corning Tower, 17th Floor, Albany, New York, 12237. I understand that if I do not pay said civil penalty in full by the required date, I shall be subject to all provisions of law relating to debt collection by the State of New York, and all such other penalties or procedures as are authorized under New York State Law, including but 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 the denial of applications to renew my registration to practice medicine with the New York State Education Department. I further understand that if I do not pay said civil penalty in full by the required date, my failure to do so will be considered professional misconduct under N.Y. Education Law §6530(29), and I will be subject to prosecution accordingly.

I agree that in the event that I am charged with professional misconduct in the future, this Consent Order and the Statement of Charges herein shall be admitted into evidence in said proceeding.

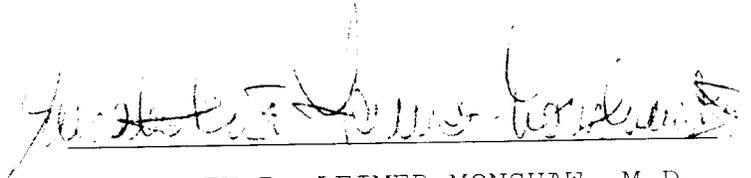
I hereby present my proposed agreement to the State Board

for Professional Medical Conduct (the Board) and request that a Consent Order be issued.

I understand that, in the event that the Board does not agree to issue a Consent Order, 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 proposed agreement 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.

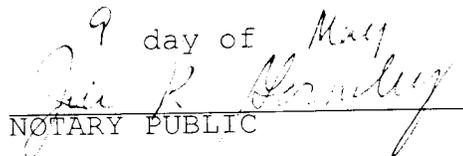
I agree that, in the event that my proposed agreement is acceptable to the Board, this Order of the Chairperson of the Board shall be issued in accordance with same.

I present this proposed agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



ELISABETH B. LEIMER-MONSHAW, M.D.
RESPONDENT

Sworn to before me this

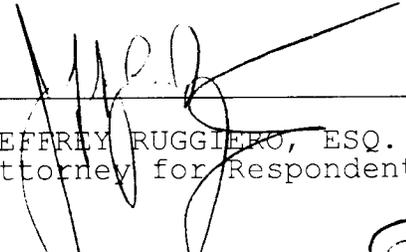
9 day of May, 1997.

NOTARY PUBLIC

JILL K. GORNLEY
NOTARY PUBLIC, State of New York
No. 02-0080764
Qualified in Queens County
Commission Expires May 20, 1998

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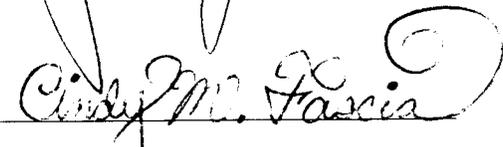
AGREED TO:

DATE: 5/12/97



JEFFREY RUGGIERO, ESQ.
Attorney for Respondent

DATE: May 14, 1997



CINDY M. FASCIA
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: May 15, 1997



ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of ELISABETH B. LEIMER-MONSHAW, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; and 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 by certified mail, whichever is earliest.

DATED: 4/10/77

Patrick F. Carone
Patrick F. Carone, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
ELISABETH B. LEIMER-MONSHAW, M.D. : CHARGES

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ELISABETH B. LEIMER-MONSHAW, M.D., the Respondent, was authorized to practice medicine in New York State on August 7, 1981 by the issuance of license number 147349 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine through February 1998, with a registration address of Revere House, Scarsdale, New York 10583.

FACTUAL ALLEGATIONS

A. Respondent, in a telephone conversation on or about December 28, 1990, gave a verbal employment reference for Robert Monshaw, M.D., to Emergency Consultants, Inc. [ECI].

1. Respondent told the Credentials Secretary that she had worked with Dr. Monshaw as co-residents and then as staff members at Episcopal Hospital in Philadelphia, that she had worked with Dr. Monshaw during his residency in the early 1980's for approximately five years, and that she had last worked with Dr. Monshaw approximately six months ago; that Dr. Monshaw was very

EXHIBIT A

medically competent, very medically reliable, never late, and had a good basis of medical knowledge; that Dr. Monshaw does not smoke or drink and seems to be easy to work with; and that she could very highly recommend Dr. Monshaw for the position in question, or words to such effect. Respondent did not tell the Credentials Secretary that she and Dr. Monshaw are husband and wife, and had been married since on or about June 22, 1975, and Respondent knew such facts.

B. Respondent, on or about February 27, 1991, submitted a written reference for employment for Robert Monshaw, M.D. to Emergency Consultants, Inc. [ECI].

1. Respondent, in the written reference, stated that she had known Dr. Monshaw from 1975 to the present and stated that the nature of her association with Dr. Monshaw was "during surgical residency and as Attending ER physician", or words to such effect. Respondent did not disclose to ECI that she and Dr. Monshaw are husband and wife, and had been married since on or about June 22, 1975, and Respondent knew such facts.

2. Respondent signed the written reference "Elisabeth B. Leimer, M.D.", when in fact Respondent regularly used the name "Elisabeth B. Leimer-Monshaw, M.D." professionally.

SPECIFICATION OF CHARGES
FIRST AND SECOND SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing conduct in the practice of medicine which evidences moral unfitness to practice medicine under New York Education Law § 6530(20), in that Petitioner charges:

1. The facts in paragraphs A and A.1.
2. The facts in paragraphs B and B.1 and/or B.2.

THIRD AND FOURTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with practicing medicine fraudulently under New York Education Law §6530(2), in that Petitioner charges:

3. The facts in paragraphs A and A.1.
4. The facts in paragraphs B and B.1 and/or B.2.

FIFTH AND SIXTH SPECIFICATIONS

MAKING OR FILING A FALSE REPORT

Respondent is charged with willfully making or filing a false report under New York Education Law §6530(21), in that Petitioner charges:

5. The facts in paragraph A and A.1.
6. The facts in paragraphs B and B.1 and/or B.2.

DATED: *March 20*, 1997
Albany, New York

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