



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 6, 2000

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul Robert Maher, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Eric Jacobson, M.D.  
313 Den Road  
Stanford, Connecticut 06903

Eric Jacobson, M.D.  
3047 Godwin Terrace  
Bronx, New York 10463

### **RE: In the Matter of Eric Jacobson, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-214) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street-Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah

Enclosure

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

**COPY**

**In the Matter of**

**Eric Jacobson, M.D. (Respondent)**

**Administrative Review Board (ARB)**

**A proceeding to review a Determination by a  
Committee (Committee) from the Board for  
Professional Medical Conduct (BPMC)**

**Determination and Order No. 00-214**

**Before ARB Members Grossman, Lynch, Pellman, Price and Briber  
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner):  
For the Respondent:**

**Paul Robert Maher, Esq.  
Pro Se**

Following a hearing below, a BPMC Committee voted to place the Respondent on probation and to ban him from performing or interpreting diagnostic musculoskeletal ultrasound testing. The Committee imposed that sanction after determining that the Respondent committed misconduct in another state (New Jersey) that would constitute professional misconduct under New York Law. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c (4)(a)(McKinney's Supp. 2000), the Petitioner asks the ARB to nullify that Determination and to revoke the Respondent's New York License. After considering the hearing record and review submissions from both parties, we vote to overturn the Committee's determination to place the Respondent on probation and to ban him from performing or interpreting certain tests. We vote to suspend the Respondent's License in New York, until such time as the Respondent completes the penalty against his New Jersey License.

### Committee Determination on the Charges

The Petitioner commenced the proceeding by filing charges with BPMC alleging that the Respondent violated N. Y. Educ. Law §§6530(9)(b)&(9)(d) (McKinney Supp. 2000) by committing professional misconduct because:

- the duly authorized professional disciplinary agency from a sister state (New Jersey) found the Respondent guilty for improper professional practice [§6530(9)(b)], and/or took action against the Respondent's License in that state [§6530(9)(d)], for,
- conduct that would constitute professional misconduct, if the Respondent had committed such conduct in New York.

The New York action followed an Order by the New Jersey Board of Medical Examiners (New Jersey Board) that found the Respondent guilty for misconduct in New Jersey. The Petitioner's Statement of Charges [Petitioner Exhibit 1] alleged that the Respondent's misconduct in New Jersey would constitute misconduct if committed in New York, under the following categories:

- practicing medicine with negligence on more than one occasion, a violation under N. Y. Educ. Law § 6530(3) (McKinney Supp. 2000),
- willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules or regulations that pertain to medical practice, a violation under N. Y. Educ. Law § 6530(16) (McKinney Supp. 2000),
- willfully making or filing a false report, a violation under N.Y. Educ. Law § 6530(21)(McKinney Supp. 2000), and,
- practicing the profession beyond the scope permitted by law, a violation under N. Y. Educ. Law § 6530(24) (McKinney Supp. 2000).

An expedited hearing (Direct Referral Proceeding) ensued pursuant to N.Y. Pub. Health Law §230(10)(p)(McKinney Supp. 2000), before a BPMC Committee, who rendered the Determination which the ARB now reviews. In such a Direct Referral Proceeding, the statute

limits the Committee to determining the nature and severity for the penalty to impose against the licensee, see In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The New Jersey Board found that, during 1995-1996, the Respondent:

- failed to examine or exercise professional judgement as to the need for one hundred fifty-nine ultrasonic diagnostic studies,
- purported to interpret film studies sent to him which had been obtained by unlicensed and unsupervised technicians at the offices of referring chiropractors in connection with auto accident injury claims,
- issued reports bearing no office letterhead and/or date of interpretation, and,
- allowed a general business corporation in New Jersey to employ him to render such interpretations.

The New Jersey Board suspended the Respondent's New Jersey Medical License for two years, stayed all but six months and placed the Respondent on probation for the remainder of the period. The Board also ordered the Respondent to pay a \$7,500.00 penalty and to perform one hundred hours community service.

The BPMC Committee determined that the Respondent's conduct in New Jersey would constitute misconduct under New York law and found the Respondent liable for disciplinary action against his New York License pursuant to §§ 6530(9)(b) & (9)(d). The Committee voted to place the Respondent on probation and to prohibit the Respondent from performing or interpreting diagnostic musculoskeletal ultrasound testing.

### **Review History and Issues**

The Committee rendered their Determination on August 2, 2000. This proceeding commenced on August 14, 2000, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the

Petitioner's brief and the Respondent's response brief. The record closed when the ARB received the response brief on September 15, 2000.

The Petitioner argues that the Committee imposed an insufficient penalty for the Respondent's offense. The Petitioner contends that the Respondent committed fraud and used his skills to obtain unjust enrichment. The Petitioner asks that the ARB revoke the Respondent's New York License to demonstrate that BPMC will not tolerate practice that benefits the licensee economically through abusing the license privilege.

The Respondent replies that the Petitioner takes a position without support in fact and in radical opposition to the Committee's Determination. The Respondent denies the Petitioner's assertion that the Respondent admitted to engaging in fraudulent activity. The Respondent also argues that the Petitioner never raised the fraud argument before the Committee and never requested revocation as a penalty. The Respondent asks that the ARB affirm the Committee's penalty.

### **Determination**

The ARB has considered the record and the parties' briefs. We affirm the Determination that the Respondent engaged in conduct in New Jersey that made the Respondent liable for disciplinary action against his New York License pursuant to Education Law §§ 6530(9)(b) and (9)(d). Neither party challenged the Determination on the charges. We vote to modify the penalty that the Committee imposed, but we reject the Petitioner's request that we revoke the Respondent's License in New York.

We overturn the Committee's Determination to ban the Respondent from performing or interpreting diagnostic musculoskeletal ultrasound testing. We see no evidence in the record to support that ban and the Committee provided no explanation as to why they found such penalty

appropriate in this case. We also overturn the Committee's Determination to place the Respondent on probation.

The New Jersey Board imposed a heavy penalty against the Respondent, that included actual suspension, probation, a fine and community service. The Committee found the Respondent candid, honest and remorseful. The ARB concludes that the New Jersey penalty will constitute a sufficient sanction for the Respondent's misconduct, should the Respondent fulfill his obligations under the penalty successfully. The ARB votes unanimously to suspend the Respondent's License to practice in New York until such time as the Respondent submits proof to the Office for Professional Medical Conduct that the Respondent has completed the New Jersey penalty.

**ORDER**

**NOW**, with this Determination as our basis, the ARB renders the following **ORDER**:

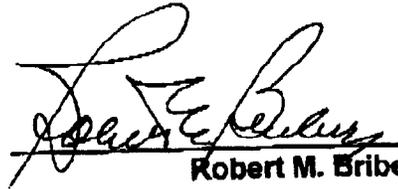
1. The ARB **AFFIRMS** the Committee's Determination that the Respondent committed misconduct that made the Respondent liable for discipline against his New York medical license.
2. The ARB **OVERTURNS** the provisions in the Committee's Order that banned the Respondent from performing or interpreting diagnostic musculoskeletal ultrasound testing and that placed the Respondent on probation.
3. The ARB **SUSPENDS** the Respondent's License to practice medicine in New York until such time as the Respondent completes the penalty against his medical license in New Jersey.

**Robert M. Briber  
Thea Graves Pellman  
Winston S. Price, M.D.  
Stanley L. Grossman, M.D.  
Therese G. Lynch, M.D.**

**In the Matter of Eric Jacobson, M.D.**

Robert M. Briber, an ARB Member, concurs in the Determination and Order In the Matter of Dr. Jacobson.

Dated October 26, 2000



Robert M. Briber

**In the Matter of Eric Jacobson, M.D.**

**Thea Graves Pellman**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Jacobson.

Dated: Oct. 27, 2000



**Thea Graves Pellman**

**In the Matter of Eric Jacobson, M.D.**

**Winston S. Price, M.D.**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Jacobson.

Dated: \_\_\_\_\_, 2000



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**Winston S. Price, M.D.**

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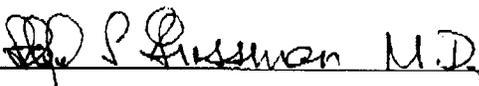
NOV 6 2000

NYS DEPT. OF HEALTH  
DIVISION OF LEGAL AFFAIRS  
BUREAU OF ADJUDICATION

**In the Matter of Eric Jacobson, M.D.**

**Stanley L. Grossman**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Jacobson.

Dated: October 26 2000

 M.D.

**Stanley L. Grossman, M.D.**

**In the Matter of Eric Jacobson, M.D.**

Therese G. Lynch, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Jacobson:

Dated: October 26, 2000

*Therese G Lynch M.D.*

**Therese G. Lynch, M.D.**



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower      The Governor Nelson A. Rockefeller Empire State Plaza      Albany, New York 12237

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

August 2, 2000

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

Robert Bogan, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Eric Jacobson, M.D.  
313 Den Road  
Stanford, Connecticut 06903

Eric Jacobson, M.D.  
3047 Godwin Terrace  
Bronx, New York

### **RE: In the Matter of Eric Jacobson, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-214) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is fluid and cursive, with the first name being the most prominent.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC-00-214

IN THE MATTER  
OF  
ERIC JACOBSON, M.D.

A Notice of Referral Proceeding and Statement of Charges, both dated, May 11, 2000, were served upon the Respondent, **ERIC JACOBSON, M.D.**

**EDWARD SINNOTT, M.D.**, Chairperson, **HOWARD SOHNEN, M.D.** and **MICHAEL GONZALEZ, R.P.A.**, duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on June 19, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared on his own behalf.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct, which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:

None

For the Respondent:

Eric Jacobson, M.D.,  
the Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **ERIC JACOBSON, M.D.**, the Respondent, was authorized to practice medicine in New York State on September 10, 1990, by the issuance of license number 183866 by the New York Education Department. (Pet's. Ex. 3).

2. On October 13, 1999, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Final Order (hereinafter "New Jersey Order"), suspended the Respondent's license to practice medicine for two (2) years, the first six (6) months active and the remainder stayed as a period of probation; imposed a \$7,500.00 penalty; required him to take and complete an ethics course and required him to perform one hundred (100) hours of community service in a non-medical capacity.

The action by the New Jersey Board was based upon findings that the Respondent neither examined nor exercised professional medical judgement during the years of 1995-1996 as to the need for ultrasonic diagnostic studies nor the method thereof for any of the

one hundred fifty-nine (159) patients involved; that he purported to interpret films of studies sent to him which had been obtained by unlicensed and unsupervised technicians at the offices of referring chiropractors in connection with claimed auto accident injuries; that he issued reports sometimes bearing no office letterhead and/or date of interpretation; that he allowed a general business corporation in New Jersey to employ him for the purpose of rendering such interpretations, and other offenses. (Pet's. Ex. 4).

#### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that the conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state.

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of having violated New York State Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional 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.

**VOTE: SUSTAINED (3-0)**

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had his license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional medical conduct.

**VOTE: SUSTAINED (3-0)**

## **HEARING COMMITTEE DETERMINATION**

The Respondent testified at the hearing. His testimony and Respondent's Exhibit A are essentially explanations of his conduct, which lead to New Jersey's disciplinary action against him.

The Hearing Committee was very impressed with the Respondent's candor, honesty and expressions of remorse.

Based on the evidence in this case the Hearing Committee determines that the Respondent should be placed on probation under terms and conditions as hereinafter specified in the ORDER, and that he be prohibited from performing or interpreting diagnostic musculoskeletal ultrasound testing.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Respondent is placed on probation for a period to coincide with the probation imposed by the New Jersey State Board of Medical Examiners.
  - a) The Respondent shall comply with all the terms and conditions of probation as prescribed by the New Jersey State Board of Medical Examiners.
  - b) The Respondent shall cause the New Jersey Board to submit semi-annual reports to the Office of Professional Medical Conduct reporting on his compliance or failure to comply with any of the terms of his New Jersey probation.

c) 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 the Respondent as may be authorized pursuant to the law.

2. The Respondent is prohibited from performing or interpreting diagnostic musculoskeletal ultrasound testing.

3. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: *Southern*, New York

*July 27, 2000*



**EDWARD SINNOTT, M.D.**  
Chairperson

**HOWARD SOHNEN, M.D.**  
**MICHAEL GONZALEZ, R.P.A.**

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

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IN THE MATTER

OF

ERIC JACOBSON, M.D.

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: ERIC JACOBSON, M.D.  
313 Den Road  
Stanford, Connecticut 06903

ERIC JACOBSON, M.D.  
3047 Godwin Terrace  
Bronx, New York

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 14<sup>th</sup> day of June, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State.



The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before June 5, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before June 5, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court

engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.



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

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IN THE MATTER  
OF  
ERIC JACOBSON, M.D.

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STATEMENT  
OF  
CHARGES

ERIC JACOBSON, M.D., the Respondent, was authorized to practice medicine in New York state on September 10, 1990, by the issuance of license number 183866 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 13, 1999, 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 Final Order (hereinafter "New Jersey Order"), suspended Respondent's license to practice medicine for two (2) years, the first six (6) months active and the remainder stayed as a period of probation, imposed a \$7,500.00 penalty, required him to take and complete an ethics course and required him to perform one hundred (100) hours of community service in a non-medical capacity. This action was based upon his Respondent neither examined nor exercised professional medical judgment during the years of 1995-1996 as to the need for ultrasonic diagnostic studies nor the method thereof for any of the one hundred fifty-nine (159) patients involved, that he purported to interpret films of studies sent to him which had been obtained by unlicensed and unsupervised technicians at the offices of referring

chiropractors in connection with claimed auto accident injuries, that he issued reports sometimes bearing no office letterhead and/or no date of interpretation, that he allowed a general business corporation in New Jersey to employ him for the purpose of rendering such interpretations, and other offenses.

B. The conduct resulting in the New Jersey Board's 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(16) (failure to comply with federal, state or local rules governing the practice of medicine);
3. New York Education Law §6530(21) (practicing the profession fraudulently or beyond its authorized scope); and/or
4. New York Education Law §6530(24) (practicing beyond the scope permitted by law).

### **SPECIFICATION**

#### **FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of having 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 the Petitioner charges:

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

**SECOND SPECIFICATION**

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

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

DATED: *May 11*, 2000  
Albany, New York

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