

October 8, 2013

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

Peter B. Mendelsohn, M.D.

REDACTED

Re: License No. 168827

Dear Dr. Mendelsohn:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-316. This order and any penalty provided therein goes into effect October 15, 2013.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

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

Enclosure

cc: Mark Furman, Esq.  
Hoffman, Polland & Furman, PLLC  
220 East 42nd Street Suite 435  
New York, NY 10017

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

BPMC No. 13-316

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IN THE MATTER	CONSENT
OF	ORDER
PETER B. MENDELSON, M.D. CO-12-03-1258-A	

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Upon the application of **PETER B. MENDELSON, 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: 10/7/13

**REDACTED**

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**ARTHUR S. HENGERER, M.D.**  
Chair  
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  
OF  
PETER B. MENDELSON, M.D.  
CO-12-03-1258-A

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CONSENT  
AGREEMENT

PETER B. MENDELSON, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about December 5, 1986, I was licensed to practice medicine in the State of New York and issued license number 168827 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 one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I, PETER B. MENDELSON, M.D., do not contest the Specifications, and, in full satisfaction of the charges against me, agree to the following:

To never practice medicine in New York State as a physician, activate my registration to practice medicine as a physician in New York state or seek to reapply for a license to practice medicine as a physician in New York state.

[Limitation on registration or issuance of any further license pursuant to Public Health Law Section 230-a(6)].

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:

9/30/13

REDACTED

PETER B. MENDELSON, M.D.  
Respondent

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

DATE: 10/8/13

REDACTED  
\_\_\_\_\_  
MARK FURMAN, ESQ.  
Attorney for Respondent

DATE: 10/2/13

REDACTED  
\_\_\_\_\_  
DAVID W. QUIST  
Associate Attorney  
Bureau of Professional Medical Conduct

DATE: 10/7/13

REDACTED  
\_\_\_\_\_  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

**EXHIBIT A**

**EXHIBIT "A"**

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

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**IN THE MATTER**  
**OF**  
**PETER B. MENDELSON, M.D.**  
**CO-12-03-1258-A**

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

**PETER B. MENDELSON, M.D.**, the Respondent, was authorized to practice medicine in New York State on or about December 5, 1986 by the issuance of license number 168827 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 11, 2010, in the Superior Court of the State of California for the County of Los Angeles, following a plea of Nolo Contendere, Respondent was convicted of driving under the influence of alcohol with a blood alcohol content of at least .08 percent, a misdemeanor, and was sentenced to summary probation for a four year period, to serve four days in the county jail, made to pay a fine, restitution, and additional fees in an amount of \$2,184, to complete a drinking driver program and to consent to testing and agreement to not drive with any measurable amount of alcohol or drugs in his blood, together with other restrictions.

B. The conduct resulting in the Medical Board of California disciplinary action against Respondent, particularly with regard to the Board's finding that Respondent was convicted of unlawfully driving while having 0.08 percent or more blood alcohol content, 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 Sec. 6530(9)(a)(iii) (Being convicted of committing an act constituting a crime under the the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law)

C. On or about March 1, 2012, the Medical Board of California, (hereinafter "Board"), by a DECISION AND ORDER (hereinafter "Order"), ORDERED that Respondent's medical license be revoked, with such revocation stayed on condition of three (3) years probation on condition that Respondent: (i) abstain from the use of controlled substances, except when prescribed to Respondent by another practitioner for a bona fide illness or condition, subject to notice of such prescription to the Board, (ii) completely abstain from the use of products or beverages containing alcohol; (iii) submit to biological fluid testing upon request; (iv) submit to a psychiatric evaluation and psychological testing within 30 calendars days of the Order and thereafter as required; (v) submit to psychotherapy. The Board retained jurisdiction to extend the period of probation in the event Respondent is found to be mentally unfit to resume the practice of medicine without restrictions. Respondent was further required to comply with numerous additional conditions relating to notice to facilities where he may practice, notice of any changes in residence or practice outside the state, and compliance reporting.

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law Section 6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within New York state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraphs A and B.

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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 Paragraph C.

**THIRD 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:

1. The facts in Paragraph C.

DATED: *Oct. 2*, 2013  
Albany, New York

REDACTED

MICHAEL A. HISER  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct