



*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 13, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Donald B. Leszczynski, M.D.  
1113 Charlotte Avenue  
Calabash, NC 28467

96 Par Court  
Calabash, NC 28467

RE: License No. 175420

Dear Dr. Leszczynski:

Enclosed please find Order #BPMC 97-109 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: Kevin C. Roe, Esq.

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

-----X

IN THE MATTER : SURRENDER  
OF : ORDER  
DONALD B. LESZCZYNSKI, M.D. : BPMC # 97-109

-----X

DONALD B. LESZCZYNSKI, M.D., says:

On or about July 25, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 175420 by the New York State Education Department.

I understand that I have been charged with violations of probation as set forth in the Violation of Probation letter, annexed hereto, made a part hereof, and marked as Exhibit A.

I am applying to the State Board for Professional Medical Conduct to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

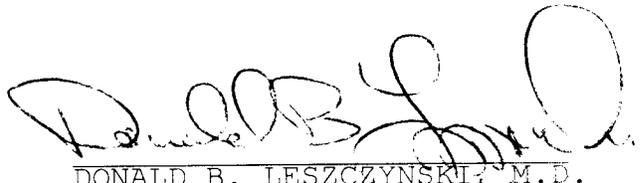
I do not contest the allegations set forth in Exhibit A.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or

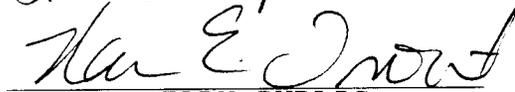
charged against me, shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

  
DONALD B. LESZCZYNSKI, M.D.  
Respondent

Subscribed before me this  
21<sup>st</sup> day of April, 1997

  
NOTARY PUBLIC

AGREED TO:

Date: April 29, 1997

  
\_\_\_\_\_  
KEVIN C. ROE  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: May 5, 1997

  
\_\_\_\_\_  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of DONALD B. LESZCZYNSKI, M.D., to surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

DATED: May 7, 1977

Patrick F. Carone

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

Exhibit A



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Coming Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

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

Dennis P. Whalen  
Executive Deputy Commissioner

April 7, 1997

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Donald B. Leszczynski, M.D.  
1113 Charlotte Avenue  
Calabash, North Carolina 28467

96 Par Court  
Calabash, North Carolina 28467

**RE: Notice of Violation of Probation**

Dear Dr. Leszczynski:

As the Director of the Office of Professional Medical Conduct of the New York State Department of Health, I have determined that you have violated the terms of probation imposed upon you by Order No. 95-106 dated May 19, 1995. My determination that you have violated the terms of your probation is based on the following facts:

1. By Order No. 95-106 dated May 19, 1995, the State Board for Professional Medical Conduct accepted your Application for a Consent Order in which you admitted guilt to having been convicted of committing an act constituting a crime under New York State Law. Order No. 95-106 suspended your license for 6 months and placed you on probation under terms and conditions set forth therein for three years.
2. On or about June 9, 1994, you temporarily surrendered your license and registration to practice medicine in the State of New York based on your incapacity for the active practice of medicine due to substance abuse. Paragraph Eight of your Temporary Surrender prohibits you from practicing medicine in any location.
3. Paragraph One of your Terms of Probation under Order 95-106 requires that you conduct yourself in all ways in a manner befitting your professional status and conform fully to the moral and professional standards of conduct imposed by law and by your profession.

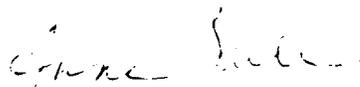
4. From October 1996 to January 1997, you issued numerous prescriptions for Stadol NS in the Myrtle Beach, South Carolina area. This conduct constitutes the practice of medicine in violation of Paragraph Eight of your Temporary Surrender, professional misconduct in violation of New York Education Law §6530(12), and therefore a violation of Paragraph One of your Terms of Probation.
5. From October 1996 to January 1997, you issued numerous prescriptions for Stadol NS to fictitious names and/or the names of former patients, with the intent of obtaining Stadol NS for your personal use. Such conduct constitutes professional misconduct in violation of New York Education Law §6530 (2) and therefore a violation of Paragraph One of your Terms of Probation.

By this letter, I am initiating a violation of proceeding against you pursuant to New York Public Health Law §230(19)(McKinney Supp. 1997).

Be advised that if you do not dispute the facts forming the basis of my determination within 20 days of the date of this letter, I shall submit this matter to a committee on professional conduct for its review and determination. If within 20 days of the date of this letter, you dispute the facts forming the basis of my determination, you shall be afforded a hearing before a committee on professional conduct. You have a right to such a hearing and may be represented by counsel. A stenographic record of this hearing will be made. The committee, after providing you an opportunity to be heard, shall determine whether you have violated probation and, if so, shall impose an appropriate penalty as defined in New York Public Health Law §230a (McKinney Supp. 1997). In determining the appropriate penalty, the committee shall consider both the violation of probation and the prior adjudication of misconduct. The chairperson of the committee shall issue an order adopting the decision of the committee on professional conduct. This order may be reviewed by the Administrative Review Board for Professional Medical Conduct.

Since this violation of probation proceeding may result in a determination that your license to practice medicine in New York be revoked, I urge you to consult with an attorney. If you or your attorney wish to discuss this matter or to request a hearing, you should contact Kevin C. Roe, Associate Counsel at (518) 486-1841.

Very truly yours,



Anne F. Saile  
Director  
Office of Professional Medical Conduct