



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

June 6, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Harvey Glasser, M.D.
3180 NE 165 Street
N. Miami Beach, Florida 33160

RE: License No. 094750

Dear Dr. Glasser:

Effective Date: 06/13/95

Enclosed please find Order #BPMC 95-117 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Michael Hiser, Esq.

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

-----x

IN THE MATTER :
OF : ORDER
HARVEY GLASSER, M.D. : BPMC #95-117

-----x

Upon the application of HARVEY GLASSER, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 2 June 95

Charles J. Vacanti

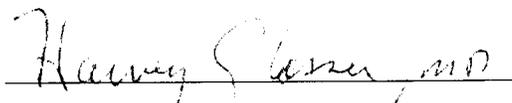
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

granted.

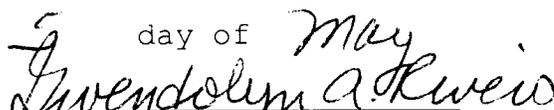
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


HARVEY GLASSER, M.D.
RESPONDENT

Sworn to before me this

5 day of *May*, 1995.

NOTARY PUBLIC



GWENDOLYN A RIVERO
My Commission CG429361
Expires Dec. 26 1998
Bonded by HAI
800 422 1555

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
HARVEY GLASSER, M.D. : CONSENT
: ORDER
-----X

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

DATE: 5/1/95

Harvey Glasser, M.D.
HARVEY GLASSER, M.D.
Respondent

DATE: _____

Attorney for Respondent

DATE: 5/12/95

M. A. Hiser
MICHAEL A. HISER, ESQ.
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: May 30, 1995

Kathleen M. Tanner
KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 2 June 1995

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
HARVEY GLASSER, M.D. : CHARGES

-----X

HARVEY GLASSER, M.D., the Respondent, was authorized to practice medicine in New York State on June 8, 1965, by the issuance of license number 94750 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 29, 1993, the Board of Medicine of the State of Florida, Department of Business and Professional Regulation ("Florida Board of Medicine") issued an Administrative Complaint in Case No. 90-05279 against the Respondent. The amended complaint alleged that Respondent, an obstetrician and gynecologist, provided medical care to a patient identified as "Patient T.J." on or about July 21, 1986. The complaint further alleged that Respondent practiced medicine below the standard of care in that Respondent inappropriately (1) failed to describe complete examinations of the patient; (2) failed to obtain a pregnancy test before performing a dilatation and curettage on the patient; (3) failed to order an ultrasound when the patient's uterus appeared to be twice the normal size; and (4) failed to obtain a consultation from a high risk pregnancy specialist when the patient was confirmed to be

pregnant.

B. Based on the preceding, Respondent was alleged to have violated Florida Statutes §458.331(1)(t), i.e., gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, as well as §458.331(1)(m), i.e., failing to keep written medical records justifying the course of treatment of the patient.

C. On or about August 25, 1994, Respondent entered into a Consent Agreement in Case No. 90-05279 with the Florida Board of Medicine. In the Consent Agreement as approved by Final Order dated November 4, 1994, the Respondent agreed not to violate Florida Statutes chapters 455, 458, and 893, or the rules promulgated pursuant to those chapters. Respondent also agreed to pay a \$2,500.00 fine, and to obtain a quality assurance consultation of his office practice. Finally, Respondent agreed to attend 20 hours of Category I Continuing Medical Education courses in the areas of high risk obstetrics and 10 hours in risk management, all to be completed within one year of the date of the Consent Order.

D. The conduct resulting in the disciplinary action taken by the Florida Board of Medicine involving the license of the Respondent would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(3) (McKinney Supp. 1995) (practicing the profession with negligence on more than one occasion); and/or N.Y. Educ. Law §6530(4) (McKinney Supp. 1995)

(practicing the profession with gross negligence on a particular occasion); and/or N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) (practicing the profession with incompetence on more than one occasion); and/or N.Y. Educ. Law §6530(6) (McKinney Supp. 1995) (practicing the profession with gross incompetence on a particular occasion); and/or N.Y. Educ. Law §6530(32) (McKinney Supp. 1995) (failing to maintain a record for a patient that accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF MISCONDUCT
HAVING DISCIPLINARY ACTION TAKEN

Respondent is charged with having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving Respondent's license would, if committed in New York State, constitute professional misconduct under the laws of New York State, within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995), in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and/or D.

DATED: *May 12*, 1995
Albany, New York


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

EXHIBIT "B"

TERMS OF PROBATION

AND MONITORING

1. HARVEY GLASSER, M.D., (hereafter, "Respondent") during the one (1) year period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
2. The period of probation described hereunder will go into effect concurrent with the period of monitoring described in Paragraphs "6" through "8", below.
3. Respondent, during the period of probation, shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any medical employment and practice, of Respondent's residence and telephone number, or of any changes in Respondent's medical employment, practice, or residence, or telephone number within or without the State of New York.
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED. Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees. The proof from DPLS regarding registration fees is to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than 90 days after the period of probation begins.
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that (1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register; and that (2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents. The proof of the above is to be submitted no later than 60 days after the period of probation begins.

6. Respondent presently practices medicine in Florida and is not registered to practice medicine in New York. Should Respondent decide to commence the practice of medicine in New York, he will notify the Director of OPMC in writing of this fact at least thirty days before he is to begin practicing in New York. Such notice shall identify the office address from which Respondent will practice medicine in New York.
7. Before Respondent begins the practice of medicine in New York, the Director of OPMC (or designee) must approve a monitor of Respondent's medical practice in New York.
8. For a period of twelve (12) months after Respondent commences the practice of medicine in New York, beginning with the first day of his practice in New York, Respondent's medical practice shall be monitored by a currently registered, New York licensed physician, who shall be board certified in obstetrics and gynecology.
 - a. The monitoring physician may be selected by the Respondent, subject, however, to the approval of the Director of OPMC. Such monitoring physician shall acknowledge their willingness to comply with these terms of monitoring by executing an acknowledgement provided by the Office of Professional Medical Conduct.
 - b. On a quarterly basis, i.e., every three months, such monitoring physician shall assess, through reviews of the records of Respondent's gynecologic surgical admissions, through conversations with Respondent, and through any other means the monitor believes is appropriate, whether Respondent is practicing medicine in accordance with accepted standards of medical practice. The records noted above shall be randomly selected by the monitor for review. The monitor shall be required to review no more than twenty (20) of such records per quarter. If Respondent has less than 20 such admissions per quarter, the monitor shall review the records of randomly selected gynecologic patients, in an amount so that at least 20 total record (surgical admissions and others) are reviewed per quarter.
 - c. The monitoring physician shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying Respondent's compliance with, or detailing his failure to comply with, accepted standards of medical practice. A total of four (4) quarterly reports will be required, submitted once every three (3) months of the twelve (12) month period of monitoring.
 - d. Respondent agrees that the costs of complying with all such terms of monitoring will be his responsibility.

9. During the twelve (12) months that Respondent is being monitored under these terms of probation, Respondent shall be required to maintain medical malpractice insurance coverage with limits of no less than two million dollars per occurrence and six million dollars per policy year, as required by Public Health Law section 230(18)(b) (McKinney Supp. 1995).
10. The requirement of monitoring detailed in paragraph "8", above, shall be suspended until such time, if any, Respondent commences the practice of medicine in New York State. Respondent will comply with all other requirements of these terms beginning with the effective date of the Order issued pursuant to this Application, and continuing for one (1) year.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
12. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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).
13. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.