



***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*

December 19, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Herbert R. Slavin, M.D.  
7200 W. Commercial Boulevard  
Tamarac, Florida 33319

RE: License No. 136346

Dear Dr. Slavin:

Enclosed please find Order #BPMC 97-312 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: Andrea Wolfson, Esq.  
Suite 314  
4491 S. State Rd. 7  
Davie, Florida 33314

Jean Bresler, Esq.

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

IN THE MATTER  
OF  
HERBERT RICHARD SLAVIN, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

BPMC #97-312

STATE OF FLORIDA )  
COUNTY OF ) ss.:

Herbert Richard Slavin, M.D., being duly sworn, deposes and says:

That on or about October 20 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 136346 by the New York State Education Department.

My current address is 7200 West Commercial Blvd., Tamarac, Florida, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the allegation set forth in the charges, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that

proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

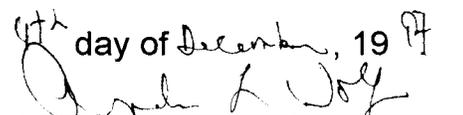
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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.

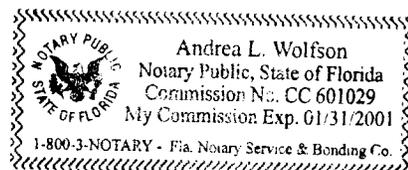
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

  
Herbert Richard Slavin, M.D.  
RESPONDENT

Sworn to before me this

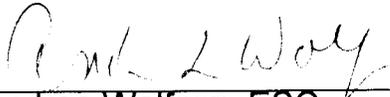
*4th* day of *December*, 19 *97*  
  
NOTARY PUBLIC

*Known to me*

  
1-800-3-NOTARY - Fla. Notary Service & Bonding Co.

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

DATE: 12/5/97

  
\_\_\_\_\_  
Andrea Wolfson, ESQ.  
Attorney for Respondent

DATE: 12/8/97

  
\_\_\_\_\_  
Jean Bresler  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 12/11/97

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

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

**IN THE MATTER  
OF  
Herbert Richard Slavin, M.D.**

**CONSENT  
ORDER**

Upon the proposed agreement of Herbert Richard slavin, M.D.  
(Respondent) for Consent Order, which application is made a part hereof, it is  
agreed to and

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: 12/16/97

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

**IN THE MATTER**  
**OF**  
**HERBERT RICHARD SLAVIN, M.D.**

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

HERBERT RICHARD SLAVIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 20, 1978, by the issuance of license number <sup>136346</sup>136436 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about, April 20, 1995, the State Of Florida Agency For Health Care Administration Board Of Medicine issued an order, following an administrative hearing, finding the Respondent, Herbert Richard Slavin, guilty of violating Florida Statutes Sections 458.331 (1) (m) in that he failed to maintain medical records to justify the prescribing of Dilaudid for two patients, Patient 1 and patient 5.
- B. The Florida Board's order placed the Respondent on probation for one year. Probation included monitoring by a physician approved by the Board, five hours of continuing medical education in the area of risk management, and a fine of \$3,000.

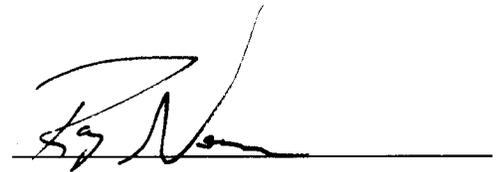
**SPECIFICATION OF CHARGES**  
**HAVING BEEN FOUND GUILTY OF**  
**PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1997) 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 (namely N.Y. Educ. Law (32), (McKinney Supp. 1997)), failing to maintain records for each patient which accurately reflects the care and treatment of that patient as alleged in the facts of the following

1. The facts in paragraphs A and B

DATED: October 17, 1997  
New York, New York

A handwritten signature in black ink, appearing to read "Roy Nemerson", is written over a horizontal line.

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct