

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

*Public*

IN THE MATTER  
OF  
MARK G. GREENBAUM, M.D.  
CO-05-04-2206-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: MARK G. GREENBAUM, M.D.  
25 Rosehill Avenue  
New Rochelle, NY 10804

MARK G. GREENBAUM, M.D.  
3010 Grand Concourse  
Suite L3  
Bronx, NY 10458

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached, hereto, and made a part hereof, has determined that **MARK G. GREENBAUM, M.D.**, Respondent, licensed to practice medicine in New York state on October 29, 1982, by license number 152004, has been found guilty, based on a plea of guilty, of committing an act constituting a felony under Federal law, in the United States District Court, Southern District of New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **MARK G. GREENBAUM, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law Section 230, and New York State Administrative Procedure Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 18<sup>th</sup> day of August, 2005 at 10:00 am in the forenoon at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents. 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 that 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. Respondent has the right cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.

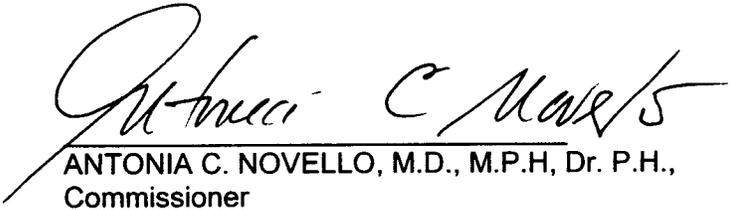
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE BE  
REVOKED OR SUSPENDED, AND/OR THAT  
YOU MAY BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC  
HEALTH LAW SECTION 230-A. YOU ARE  
URGED TO OBTAIN AN ATTORNEY FOR THIS  
MATTER.**

DATED: Albany, New York

*May 26*, 2005

  
ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P.H.,  
Commissioner

Inquires should be addressed to:

Richard Zahnleuter  
Associate Counsel  
Office of Professional Medical Conduct  
Corning Tower Building  
Room 2512  
Albany, New York 12180  
(518) 473-4282

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
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**IN THE MATTER**  
**OF**  
**MARK G. GREENBAUM, M.D.**  
**CO-05-04-2206-A**

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

**MARK G. GREENBAUM, M.D.**, the Respondent, was authorized to practice medicine in New York State on October 29, 1982, by the issuance of license number 152004 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 6, 2002, in a Plea Allocution Proceeding in the United States District Court, Southern District of New York, Respondent pled guilty to "Conspiracy to Commit Health Care Fraud, Mail Fraud, and Making False Statements Relating to Health Care Matters" and "Conspiracy to Commit Mail Fraud," both Class D Felonies in violation 18 USC 371.

B. Under the terms of the Plea Allocution and underlying Plea Agreement, Respondent also agreed to forfeit to the United States pursuant to 18 USC 982 approximately \$1.3 million traceable to the commission of these offenses. On or about October 16, 2002, the Court filed a "Final Order of Forfeiture" that ordered Respondent to forfeit the approximately \$1.3 million to the United States.

C. On or about February 9, 2005, the Court filed a "Judgment in a Criminal Case" that accepted the aforementioned guilty pleas, convicted Respondent, and sentenced Respondent to three (3) years probation, eighty (80) hours of community service, and a \$200.00 assessment.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

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

DATED: *May 26*, 2005  
Albany, New York

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