



New York State 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 of Health

Charles J. Vacanti, M.D.
Chair

October 28, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John Stalberg, M.D.
1121 Princeton Street
Santa Monica, California 90403

RE: License No. 125412

Dear Dr. Stalberg:

Effective Date: 11/04/96

Enclosed please find Order #BPMC 96-253 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,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: David Rosner, Esq.
Rosner, Owens & Nunziato
1925 Century Park East, Suite 850
Los Angeles, California 90067

Frederick Zimmer, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
JOHN M. STALBERG, M.D. : BPMC #96-253

-----X

Upon the Application of JOHN M. STALBERG, M.D., to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the Application 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.

SO ORDERED,

DATED: 25 October 1996



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 : APPLICATION TO
OF : SURRENDER
JOHN M. STALBERG, M.D. : LICENSE
: Respondent
-----X

STATE OF CALIFORNIA)

ss.:

COUNTY OF LOS ANGELES)

JOHN M. STALBERG, M.D., being duly sworn, deposes and says:

On or about September 17, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 125412 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one Specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification contained in the Statement of Charges (Exhibit A)

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

I understand that, in the event that the application 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, 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 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.

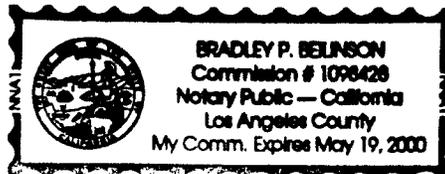
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

John M. Stalberg, M.D.
JOHN M. STALBERG, M.D.
Respondent

Sworn to before me this
7TH day of OCTOBER, 1996

Bradley P. Belinson
NOTARY PUBLIC



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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
JOHN M. STALBERG, M.D. : LICENSE
Respondent :
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 10-7, 1996

John M. Stalberg, M.D.
JOHN M. STALBERG, M.D.
Respondent

Date: 10-8, 1996

David L. Rosner
DAVID L. ROSNER, Esq.
Attorney for Respondent

Date: October 10, 1996

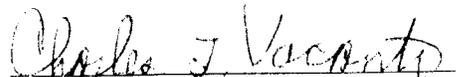
Frederick Zimmer, Esq.
FREDERICK ZIMMER, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: October 20 1996



ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

Date: 23 October, 1996



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
JOHN M. STALBERG, M.D. : CHARGES

-----X

JOHN M. STALBERG, M.D., the Respondent, was authorized to practice medicine in New York State on September 17, 1975 by the issuance of license number 128412 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. The California Medical Board by a Decision, ordered on September 29, 1995, found that Respondent violated California Business and Professions Code §2234 [violating any provision of Chapter 5 of the California Code] in that Respondent violated California Business and Professions Code §2238 [commission of unprofessional conduct through the violation of a California statute regulating dangerous drugs or controlled substances] in conjunction with California Business and Professions Code §4051(a) [dispensing drugs to an individual who was not his patient] in that Respondent, during the course of his relationship with C.P., as a result of C.P.'s concerns about her weight, prescribed to C.P. 25 mg. of Tenuate, a Schedule IV controlled substance. Subsequently, Respondent increased the prescribed dosage to 75 mg. At the time of this prescribing, C.P. was not a patient of Respondent's nor had he performed a physical examination to determine the appropriateness of prescribing the drug to her.

B. The California Board suspended Respondent's Physician's and Surgeon's Certificate for the period of one year and stayed the suspension. Respondent was placed on probation for one year subject to terms and conditions which included, among other things, requirements that he maintain a record of all controlled substances prescribed, dispensed or administered during the period of probation showing the name and address of the patient, the date, the character and quantity of controlled substances involved and the indication and diagnosis for which the controlled substance was furnished. Respondent was also required to submit quarterly declarations to the California Board stating whether there has been compliance with all the conditions of probation. Respondent was also required to appear for interviews with the California Board's medical consultant upon request at various intervals.

C. The conduct resulting in the California Board's finding that Respondent violated the California Business and Professions Code would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(16) (McKinney Supp.1996) [a willful or grossly negligent failure to comply with substantial provisions of federal, state or local law] and/or N.Y. Educ. Law §6530(3) (McKinney Supp. 1996) - [practicing the profession with negligence on more than one occasion].

SPECIFICATION

Respondent is guilty of professional misconduct by reason of his having been found guilty of improper professional practice or professional misconduct by the 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 violation of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1996) in that the Petitioner charges;

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

DATED: *September 13,* 1996
Albany, New York


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