



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

June 17, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bradley C. Mohr, Esq.
NYS Department of Health
Empire State Plaza
Corning Tower - Room 2503
Albany, New York 12237

Lawrence Pollock, M.D.
9315 Telegraph Road
Pico Rivera, California 90660

RE: In the Matter of Lawrence Pollock, M.D.

Dear Mr. Mohr and Dr. Pollock:

Enclosed please find the Determination and Order (No. BPMC-98-117) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

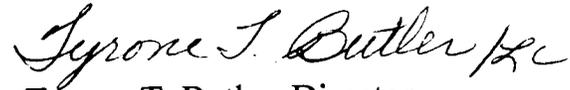
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's
Determination and Order.

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc

Enclosure

COPY

DECISION

AND

ORDER

OF THE

HEARING

COMMITTEE

BPMC ORDER

NO. 98 - 117

IN THE MATTER

-OF-

LAWRENCE POLLOCK, M.D.

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated April 23, 1998 which were served upon **LAWRENCE POLLOCK, M.D.**, (hereinafter referred to as "Respondent"). **ELEANOR KANE, M.D.**, Chairperson, **HONG CHUL YOON, M.D.**, and **MICHAEL WALKER**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on May 20, 1998 at Hedley Park Place, Troy, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **BRADLEY C. MOHR, ESQ.**, Senior Attorney, Bureau of Professional Medical Conduct. Respondent did not appear in person nor by counsel nor by any written submission. The Administrative Law Judge found proof of appropriate service of notice. The Administrative Law Judge ruled that jurisdiction had been obtained and that Respondent was in default. Evidence was received. A transcript of these proceedings was made.

After consideration of the entire record, the Hearing Committee issues this Decision and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of Section 6530 (9) of the Education Law. In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed by this state upon the licensee based solely upon the record of the previous conviction or discipline.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530 (9)(b) and (d) (having been found guilty of professional misconduct in another jurisdiction and having had disciplinary action taken against the license of Respondent in another jurisdiction). The allegations in this proceeding and the underlying events are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

FINDINGS OF FACT

The Committee adopts the factual statements set forth on pages one through three of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

CONCLUSIONS
WITH REGARD TO
FACTUAL ALLEGATIONS
SPECIFICATIONS
AND
PENALTY

Petitioner herein has proven by a preponderance of the evidence that Respondent was properly served with notice of the proceeding. The Administrative Law Judge found that there was appropriate service and that jurisdiction was obtained. The Petitioner was allowed to proceed.

By the evidence submitted, the Petitioner has proven by a preponderance of the evidence that Respondent was found guilty of professional misconduct in California. Petitioner has also established by a preponderance of the evidence that California took action against the license of Respondent in California. The charges sustained in California would constitute medical misconduct if committed in this state. Therefore, the Factual Allegations and Specifications in this proceeding are sustained. The Committee now turns its attention to what penalty to impose.

Respondent has been found guilty of gross negligence, gross mismanagement, incompetence, fraud, and falsifying medical records in his home state. It appears he defaulted on these charges. In assessing a penalty herein, the Committee finds Respondent was sanctioned both for gross clinical misconduct as well as moral unfitness. He not only failed to treat the patient appropriately but also lied about his actions in his records. Hence Respondent is neither an acceptable clinician nor an acceptable member of the moral community of medicine.

In a Direct Referral proceeding, great deference is given to the sanction imposed by the home state in that those imposing the original penalty almost always have more information than the Board For Professional Medical Conduct. Furthermore, the home state has to directly protect the public as it is in the home state that Respondent practices. California revoked Respondent's license to practice medicine. Even if California had not revoked this practitioner's license, this body

would have found no other appropriate penalty. It is noteworthy that Respondent was given an opportunity to be heard in this proceeding but chose to ignore it.

ORDER

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

3. The license of Respondent to practice medicine in the state of New York is hereby **REVOKED**;

Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **UPON RECEIPT or SEVEN (7) DAYS** after mailing of this order by Certified Mail.

Dated:
Troy, New York

13 June 1998


ELEANOR KANE, M.D., Chairperson,

HONG CHUL YOON, M.D.,
MICHAEL WALKER,

(13)

TO:

BRADLEY C. MOHR ESQ.
Senior Attorney
Bureau of Professional Medical Conduct
New York State Department of Health
Corning Tower Room 2509
Albany, N.Y. 12237

LAWRENCE POLLOCK M.D.
9315 Telegraph Road
Pico Rivera, CA 90660

APPENDIX ONE

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

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IN THE MATTER : STATEMENT
OF : OF
LAWRENCE POLLOCK, M.D. : CHARGES

-----X

LAWRENCE POLLOCK, M.D., the Respondent, was authorized to practice medicine in New York State on November 11, 1959 by the issuance of license number 083487 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On August 2, 1996, the Medical Board of California issued a Default Decision and Order No. D 5263, OAH No. L 950411. The Medical Board disciplined Respondent pursuant to the California Business and Professions Code §§2227, 2234 (a) (b) (c) (d), 2261 and 2262. The Order, effective September 2, 1996, revoked Respondent's medical license.

2. Respondent was charged with gross negligence and gross mismanagement, incompetence, fraud, falsifying medical records in the care and treatment of a patient. Respondent performed negligent surgery on the patient and then failed to adequately follow up after the surgery. He then failed to properly treat a prolonged and severe infection that led to her death. Respondent

performed a hysterectomy on the patient. After the surgery, the patient developed post-operative peritonitis. When the patient developed a fever and was unable to ambulate, he then personally transported the patient to a private residence where he continued to treat the patient. While treating the patient, Respondent repeatedly misrepresented the patient's true medical condition to the patient's family and caregivers. In addition, Respondent made numerous false entries in the patient's medical records and made further misrepresentations to the Medical Board regarding the patient's medical condition.

3. The conduct resulting in the revocation imposed by the California Board, would if committed in New York constitute professional misconduct under New York Education Law, namely §6530(2) (practicing the profession fraudulently); (3) (negligence on more than one occasion); (4) (gross negligence); (5) (incompetence on more than one occasion); (6) (gross incompetence); (32) (failure to maintain accurate records); and (20) (moral unfitness).

SPECIFICATIONS

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(b) in that he was found guilty of improper professional practice or professional

misconduct by 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 that Petitioner charges:

1. The facts of paragraphs 1,2, and/or 3.

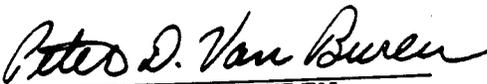
SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the Laws of New York State, in that Petitioner charges:

2. The facts of paragraphs 1,2, and/or 3.

DATED: April 23, 1998
Albany, New York


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