



Board for Professional Medical Conduct

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

November 7, 1991

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Edward Richard Burka, M.D.
Jacobus Creek Farm
RR #1, Box 184
Worton, Maryland 21678

EFFECTIVE DATE: 11/14/91

RE: License No. 079827

Dear Dr. Burka:

Enclosed please find Order #BPMC 91-10 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 12237-0614

Sincerely,

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

Enclosure

cc: Paul Stein, Esq.

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

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IN THE MATTER :
OF : ORDER
EDWARD RICHARD BURKA, M.D. : #BPMC 91-10

-----X

Upon the application of the respondent,
EDWARD RICHARD BURKA, M.D., 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 the respondent or seven
days after mailing by certified mail.

SO ORDERED,

DATED:

17 November, 1991

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

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 admit guilt to the specifications of professional misconduct set forth in the charges.

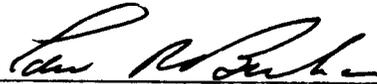
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

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

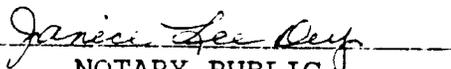
striking my name from the roster of physicians in the State of New York without further notice to me.

No promises of any kind were made 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.



EDWARD RICHARD BURKA, M.D.
Respondent

Sworn to before me this
17 day of October, 1991



NOTARY PUBLIC

Janice Lee Dey

9.25.91

KENT COUNTY, MD

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
EDWARD RICHARD BURKA, M.D. : LICENSE

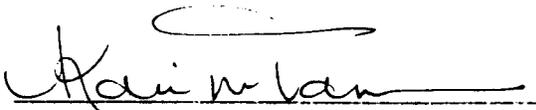
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 10/17, 1991 
EDWARD RICHARD BURKA, M.D.
Respondent

Date: _____, 1991

Attorney for Respondent

Date: October 25, 1991 
PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Nov. 7, 1991 
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

EDWARD RICHARD BURKA, M.D.

Date: 7 November 1991

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
EDWARD RICHARD BURKA, M.D. : CHARGES

-----X

EDWARD RICHARD BURKA, M.D., the Respondent, was authorized to practice medicine in New York State on September 18, 1957 by the issuance of license number 079827 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His most recent registration address was 620 West 168th Street, New York, New York 10032.

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF AN

ACT CONSTITUTING A CRIME

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(II), as added by ch. 606, laws of 1991, in that he has been found guilty of committing an act constituting a crime under federal law, specifically:

On or about December 7, 1988, Respondent was convicted in the United States District Court for the Eastern District of Pennsylvania, before the Honorable Martin Katz, District Judge, Case No. Crim 88-00228-1 on Counts 1, 8, and 51 of a superseding indictment charging Respondent as follows:

Count One

From on or about January 6, 1986 to on or about August 24, 1987, at Philadelphia, in the Eastern District of Pennsylvania defendant EDWARD R. BURKA did knowingly and intentionally possess with intent to distribute and dispense, outside the course of accepted professional medical practice and for no legitimate medical purpose, approximately 53,205 Dilaudid tablets, 4 mg., containing hydromorphone hydrochloride, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Count Eight

On or about May 5, 1987, at Philadelphia, in the Eastern District of Pennsylvania, defendant EDWARD R. BURKA did knowingly and intentionally furnish false and fraudulent material information in a record required to be kept under Subchapter I, Chapter 13, Title 21, United States Code, in that EDWARD R. BURKA maintained, and presented to the Drug Enforcement Administration in the course of an administrative inspection, a computer printout which purported to contain a record a Schedule II controlled substances dispensed by EDWARD R. BURKA to his patients whereas, as EDWARD R. BURKA then and there well knew, he did not dispense the controlled substances listed on the computer printout to the patients listed on the computer printout, in violation of Title 21, United States Code, Section 843(a)(4)(A).

Count Fifty-One

On or about August 4, 1987, at Philadelphia, in the Eastern District of Pennsylvania, defendant EDWARD R. BURKA did corruptly endeavor to

influence, obstruct, and impede the due and proper administration of the law under which a pending proceeding was being held before an agency of the United States in that EDWARD R. BURKA sought to undermine the credibility of a potential witness in a pending administrative inspection being conducted by the Drug Enforcement Administration by causing Beverly J. Floyd to sign a statement which, as he then well knew, was false, in violation of Title 18, United States Code, Section 1505.

On or about January 24, 1989, Respondent was sentenced to a period of incarceration of four and one-half years in a federal prison followed by a term of supervised release of three years, concurrently with a three year period of parole. He was also ordered to forfeit a property he owed at 1810 Spruce Street, Philadelphia, Pennsylvania and pay a special assessment of \$150.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT BY A
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(b), as added by ch. 606, laws of 1991, in that he has 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, specifically:

On or about November 20, 1989 the Maryland Board of Physician Quality Assurance filed a final order revoking Respondent's license to practice medicine in Maryland upon its finding him guilty of violation of Section 14-504(b) of the Maryland Health Occupations Code Annotated, which provides for the suspension of a licensee if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or

other proceeding is pending to have the conviction or plea set aside, and for the revocation of a license subject to hearing provisions if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude.

DATED: New York, New York
November 7, 1991



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct