



*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*

August 10, 1998

**CORRECTED LETTER**

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Howard H. Wurtzel, M.D.  
540 Heath Road  
Merion, Pennsylvania 19066

RE: License No. 091010

Dear Dr. Wurtzel:

Enclosed please find Order #BPMC 98-169 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 10, 1998.**

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: James A. Backstrom, Esq.  
2 Penn Center  
Suite 200  
Philadelphia, Pennsylvania 19102-1706

Peter Van Buren, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
HOWARD H. WURTZEL, M.D. : BMC # 98-169

-----X

HOWARD H. WURTZEL, M.D., says:

On or about August 22, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 091010 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 the New York State Board for Professional Medical Conduct has charged me 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".

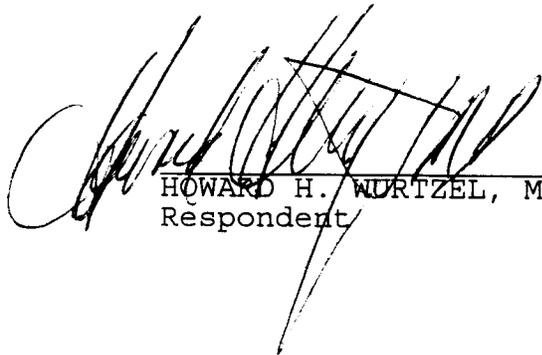
I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and one specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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.

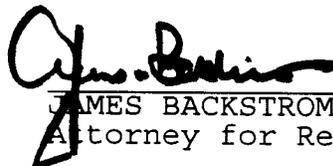
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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

  
HOWARD H. WURTZEL, M.D.  
Respondent

AGREED TO:

Date: July 14, 1998

  
JAMES BACKSTROM, Esq.  
Attorney for Respondent

Date: July 27, 1998

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

Date: July 30, 1998

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of HOWARD H. WURTZEL, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement 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.

DATED: Aug 4, 1998



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

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

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IN THE MATTER : STATEMENT  
OF : OF  
HOWARD H. WURTZEL, M.D. : CHARGES

-----X

HOWARD H. WURTZEL, M.D., the Respondent, was authorized to practice medicine in New York State on August 22, 1963, by the issuance of license number 091010 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. Respondent was convicted in the United States District Court, Eastern District of Pennsylvania, on or about April 29, 1997, upon his plea of guilty to one count of false claims, in violation of 18 USC Section 287.

2. The conduct, of which Respondent was found guilty by the United States District Court, involved Medicaid Claims filed with the Pennsylvania Department of Public Welfare purporting to entitle him to payment for approximately 10,170 units of psychotherapy when he did not provide the psychotherapy claimed during the period from on or about January 1, 1991 to on or about November 30, 1993.

3. The United States District Court sentenced the Respondent to Probation for 3 Years with special conditions; Home detention with electronic monitoring - 3 months, with special

conditions; and a Fine of \$10,000.00, due during the period of probation; and a Special Assessment of \$50.00, due immediately.

SPECIFICATIONS

FIRST SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(ii) by reason of his having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

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

DATED: *July 27*, 1998  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct