



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

October 20, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
Empire State Plaza
Corning Tower - Room 2503
Albany, New York 12237

Harvey Taubes, M.D.
1 Aspen Place
Great Neck, New York 11021-2810

Jeffrey Rubin, Esq.
Rubin and Shang
9 East 40th Street
New York, New York 10011

RE: In the Matter of Harvey Taubes, M.D.

Dear Mr. Bogan, Mr. Rubin and Dr. Taubes:

Enclosed please find the Dismissal Order (No. 97-204) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Dismissal Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
ADMINISTRATIVE REVIEW BOARD FOR
PROFESSIONAL MEDICAL CONDUCT (BOARD)

COPY

IN THE MATTER
OF

HARVEY TAUBES, M.D. (Respondent)

Proceeding to review a Determination by a Hearing Committee
(Committee) from Board for Professional Medical Conduct
(BPMC)

ADMINISTRATIVE
REVIEW BOARD
DISMISSAL
ORDER
ARB NO. 97-204

BEFORE: ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D.,
EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.

After a hearing, a BPMC Committee sustained charges that the Respondent committed crimes under New York Law, after determining that New York Courts had convicted the Respondent in 1992, for failing to file a New York State Tax Return (a misdemeanor), and in 1995, on eleven counts for defrauding the Medicaid Program (all felonies). The criminal convictions constituted physician professional misconduct under N.Y. Educ. Law § 6530 (9)(a)(i)(McKinney's Supp. 1997) and the Committee voted to revoke the Respondent's License to practice medicine in New York State. The Respondent then filed a Notice, that this Board received on September 5, 1997, requesting that the Board review the Committee's Determination, pursuant to N.Y. Pub. Health Law § 230-c(4)(a)(McKinney's Supp. 1997). Under that statute, the Respondent then had thirty days (until October 6, 1997) to file a brief and perfect the Review Notice.

At our deliberations on October 17, 1997, the Board determined that the Respondent had failed to perfect his Review Notice, because he has submitted no brief, he has made no request for a filing extension and the Board has granted no filing extension.

The Board votes 5-0 to dismiss the Respondent's Review Notice.

ORDER

NOW, based upon this Determination, the Review Board renders the following **ORDER**:

The Board **DISMISSES** the Respondent's Notice of Review.

ROBERT M. BRIBER

SUMNER SHAPIRO

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

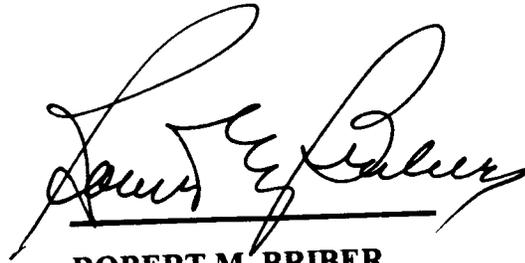
WILLIAM A. STEWART, M.D.

IN THE MATTER OF HARVEY TAUBES, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taubes.

DATED: Schenectady, New York

October 17, 1997

A handwritten signature in cursive script, appearing to read "Robert M. Briber", written over a horizontal line.

ROBERT M. BRIBER

IN THE MATTER OF HARVEY TAUBES, M.D.

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taubes.

DATED: Delmar, New York

October 17, 1997

A handwritten signature in cursive script, reading "Sumner Shapiro", is written over a solid horizontal line.

SUMNER SHAPIRO

IN THE MATTER OF HARVEY TAUBES, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taubes.

DATED: Brooklyn, New York

October 17, 1997

A handwritten signature in black ink, appearing to read "W. S. Price", is written over a solid horizontal line.

WINSTON S. PRICE, M.D.

IN THE MATTER OF HARVEY TAUBES, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taubes.

DATED: Syracuse, New York

October 17, 1997



WILLIAM A. STEWART, M.D.

IN THE MATTER OF HARVEY TAUBES, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taubes.

DATED: Roslyn, New York

October 16, 1997

A handwritten signature in black ink, appearing to read "Ed C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.