



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 26, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Elliot Senderoff, M.D.
26 Country Club Road
Eastchester, NY 10709

RE: License No. 076916

Dear Dr. Senderoff:

Enclosed please find Order #BPMC 99-111 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 26, 1999**.

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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Leslie Eisenberg, Esq.

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

IN THE MATTER
OF
ELLIOT SENDEROFF, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-111

STATE OF NEW YORK)
COUNTY OF *Kings*) so.:

ELLIOT SENDEROFF, M.D., (Respondent) being duly sworn, deposes and says:

That on or about August 25, 1955, I was licensed to practice as a physician in the State of New York, having been issued License No. 076916 by the New York State Education Department.

My current address is 26 Country Club Road, Eastchester, New York 10709, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the fourth specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand and, a \$10,000 fine, to be paid within (30) days from the effective date of this Order, made payable to the New York State Department of Health, Bureau of Accounts Management, Corning Tower Building, Room 1258, Empire State Plaza, Albany, New York 12237.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

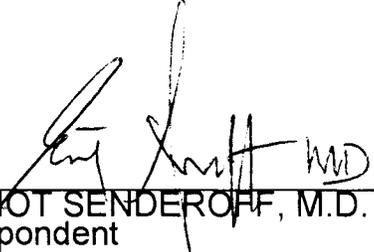
DATED April 5 / 99.

Sworn to before me
on this 5th day of
April 1999



NOTARY

DAVID JACOBS
Notary Public, State of New York
No 01JA5004190
Qualified in Westchester County
Commission Expires 11/09/2000



ELLIOT SENDEROFF, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: _____

Attorney for Respondent (if any)
(leave blank if unrepresented)

DATE: 5/14/95

copy



LESLIE EISENBERG
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 5/14/95



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
ELLIOT SENDEROFF, M.D.

CONSENT
ORDER

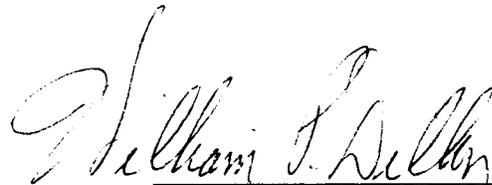
Upon the proposed agreement of ELLIOT SENDEROFF, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

ORDERED, that the application and the provisions thereof are hereby
adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,
which may be accomplished by mailing, by first class mail, a copy of the Consent
Order to Respondent at the address set forth in this agreement or to
Respondent's attorney by certified mail, or upon transmission via facsimile to
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 5/20/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
ELLIOT SENDEROFF, M.D.**

**STATEMENT
OF
CHARGES**

Elliot Senderoff, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 25, 1955, by the issuance of license number 076916 by the New York State Education Department. Respondent is currently registered with the New York State Department of Education to practice medicine for the period of March 1998 through February 2000.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a 36 year-old male with left pleural effusion, at Long Island College Hospital, Brooklyn, New York, from on or about January 17, 1996 through on or about January 20, 1996. (The names of patients are contained in the attached Appendix.)
1. Respondent failed to assure adequate drainage of Patient A's chest by some means including but not limited to additional chest tube, radiologic image guided drainage and/or surgery.
 2. Respondent failed to appropriately countersign notes in Patient A's medical chart.
- B. Respondent treated Patient B, a 51 year-old male with a left pleural thickening and mass, from on or about February 18, 1997 through on or about March 5, 1997.

1. On or about February 25, 1997, at New York Methodist Hospital, Brooklyn, New York, Respondent inappropriately and mistakenly performed a right thoracoscopy, right thoracotomy and pleural biopsy on Patient B, as opposed to a left thoracoscopy, left thoracotomy and pleural biopsy, as scheduled.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1999) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraph A and its subparagraphs and/or Paragraph B and its subparagraphs.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1999) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraph A and its subparagraphs and/or Paragraph B and its subparagraphs.

THIRD SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1999) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

3. Paragraph B and its subparagraphs.

FOURTH SPECIFICATION

UNWARRANTED TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1999) by ordering treatment not warrant by the condition of the patient, as alleged in the facts of:

4. Paragraph B and its subparagraphs.

DATED: April , 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct