

**DOH 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

May 12, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dianne Abeloff, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Steven Schultz, M.D.
1495 East 92nd Street
Brooklyn, New York 11236

RE: In the Matter of Steven Schultz, M.D.

Dear Ms. Abeloff and Dr. Schultz:

Enclosed please find the Determination and Order (No. 97-108) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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 black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T" and "B".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

COPY

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

IN THE MATTER

-OF-

STEVEN SCHULTZ, M.D.

**DECISION
AND ORDER
OF THE
HEARING
COMMITTEE**

**ORDER NO.
BPMC 97- 108**

The undersigned Hearing Committee consisting of **NAOMI GOLDSTEIN, M.D.**, Chairperson, **DAVID SIBULKIN, M.D.**, and **GEORGE C. SIMMONS, Ed.D.**, was duly designated and appointed by the State Board for Professional Medical Conduct. **JONATHAN M. BRANDES, Esq.**, Administrative Law Judge, served as Administrative Officer.

The hearing was conducted pursuant to the provisions of Section 230(10) of the New York State Public Health Law and Sections 301-307 and 401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of provisions of Section 6530 of the New York Education Law by **STEVEN SCHULTZ, M.D.** (hereinafter referred to as "Respondent"). Respondent did not appear. No witnesses were examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct.

RECORD OF PROCEEDING

Notice of Hearing and Statement of Charges:	Dated: March 12, 1997	Served: April 2, 1997
Notice of Hearing returnable:	April 29, 1997	
Location of Hearing:	5 Penn Plaza, New York, New York	
Respondent's answer :	Default	
The State Board for Professional Medical Conduct (hereinafter referred to as "Petitioner" or "The State") appeared by:	DIANNE ABELOFF, Esq. Associate Counsel Bureau of Professional Medical Conduct 5 Penn Plaza Room 601 New York, New York 10001	
Respondent's last known address:	1495 East 92nd St., Brooklyn, New York 11236	
Respondent's License:	License Date: June 7, 1974	License Number: 120604
Pre-Hearing Conference Held:	None	
Hearings held on:	April 29, 1997	
Conferences held on:	None	
Closing briefs received:	None	
Record closed:	April 29, 1997	
Deliberations held [All Panel Members Present]:	April 29, 1997	

SUMMARY OF PROCEEDINGS

The Statement of Charges in this proceeding alleges a single act of misconduct. Respondent is alleged to have failed to comply with an order issued by a Committee of the State Board for Professional Medical Conduct (Order attached as Appendix One). The said order was issued pursuant to Section 230(7) of the Public Health Law. The failure to comply with such an order constitutes professional misconduct under N.Y. Education Law Section 6530 (15).

The allegations arise from an Order issued by a Committee of the State Board for Professional Medical Conduct on October 16, 1996. The said Order directed Respondent to submit to a psychiatric examination. The charge in this matter is more particularly set forth in the Statement of Charges which is attached hereto as Appendix Two.

Respondent did not appear in person, by attorney or in writing.

Petitioner called no witnesses:

SIGNIFICANT LEGAL RULINGS

1. The Administrative Law Judge found that the Order of October 16, 1996 was a valid Order under Section 230(7) of the Public Health Law.
2. The Administrative Law Judge ruled that Petitioner had established proper service upon Respondent under the appropriate statute.
3. The Administrative Law Judge ruled that jurisdiction of Respondent was established.
4. The Administrative Law Judge ruled that Respondent was in default.

FINDINGS OF FACT

1. The Committee adopts the factual statements set forth on page one of the Statement of Charges (Appendix Two).
2. The State attempted personal service on Respondent on three separate dates at three different times of day. Upon failure of actual service, the State also made service by Certified Mail. (Ex. 2 and 6)
3. On October 16, 1996 an Order was issued by a Committee of the State Board for Professional Medical Conduct. The said Order required, *inter alia* that Respondent submit to a psychiatric examination with Alexander Caemmerer, M.D. by November 8, 1996.
4. As of November 8, 1996, Respondent had not complied. (Ex. 6)
5. In April 1997, the prosecutor spoke with Dr. Alexander Caemmerer. The Prosecutor was informed that Respondent had not contacted Dr. Caemmerer. (Tr. 15)
6. Respondent did not make any appearance in this proceeding.

CONCLUSIONS WITH REGARD TO FACTUAL ALLEGATIONS AND PENALTY

Petitioner herein has proven by a preponderance of the evidence that Respondent has failed to obey a duly issued Order of the State Board for Professional Medical Conduct. Respondent was given notice of this proceeding and an opportunity to be heard in opposition or mitigation of the charges. Respondent did not avail himself of this opportunity. The State has done more than fulfill its statutory

requirements by way of giving Respondent an opportunity to retain his license to practice medicine. Respondent has failed to participate. It therefore follows that Respondent is in contempt of a duly issued Order of the body which has authority over his license. Therefore the Committee will revoke the said license.

ORDER

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges 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;

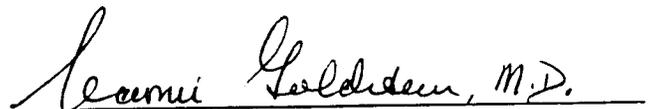
3. The license of Respondent to practice medicine in the State of New York is hereby **REVOKED**;

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:
New York, New York

May 8, 1997 1997


NAOMI GOLDSTEIN, M.D., Chairperson

DAVID SIBULKIN, M.D.
GEORGE C. SIMMONS, Ed.D.

TO:

DIANNE ABELOFF, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct
5 Penn Plaza, suite 601
New York, N.Y. 10001

STEVEN SCHULTZ M.D.
1495 East 92nd St.
Brooklyn, New York 11236

APPENDIX ONE

IN THE MATTER
OF
STEVEN SCHULTZ, M.D.

STATEMENT
OF
CHARGES

STEVEN SCHULTZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 7, 1974, by the issuance of license number 120604 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about October 16, 1996, a Committee of the State Board for Professional Medical Conduct issued an Order, pursuant to N.Y. Public Health Law Section 230 (7) (McKinney Supp. 1997), directing Respondent to submit to a psychiatric examination by Alexander Caemmerer, M.D. by November 8, 1996. Said order was served upon Respondent on or about October 18, 1996.
- B. Respondent failed to submit to said psychiatric examination by November 8, 1996.

SPECIFICATION OF CHARGES

**SPECIFICATION
FAILED TO COMPLY WITH 230(7) ORDER**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(15)(McKinney Supp. 1997) by failing to comply with an order issued pursuant to N.Y. Pub. Health Law § 230 (7) (McKinney Supp. 1997) as alleged in the facts of:

1. Paragraphs A and B.

DATED: March 1, 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

APPENDIX TWO

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

IN THE MATTER OF AN INVESTIGATION
PURSUANT TO SECTION 230(7)
OF THE PUBLIC HEALTH LAW

ORDER

Upon affording, STEVEN SCHULTZ, M.D., an opportunity to be heard before a committee on professional conduct of the Board for Professional Medical Conduct consisting of Priscilla R. Leslie, Chairperson, and Hilda Ratner, M.D. and Jerry Waisman, M.D. Members, and after reviewing the information presented by the Office of Professional Medical Conduct (OPMC) on October 16, 1996, the committee has found reason to believe that you may be impaired by a mental disability.

Pursuant to N.Y. Public Health Law Section 230(7) (McKinney Supp. 1996) the Committee hereby directs STEVEN SCHULTZ, M.D. to submit to a psychiatric examination by Alexander Caemmerer, M.D., a physician designated by the Committee after requesting the advice of OPMC.

Said examination must be scheduled by Steven Schultz, M.D. with Alexander Caemmerer, and shall be commenced no later than November 8, 1996. The examination shall be completed at such time as the Examining Physician determines that it is completed.

Pursuant to N.Y. Educ. Law Section 6530(15), a failure to comply with this Order is professional misconduct.

SO ORDERED,

Dated: 10/16/96

Priscilla R Leslie

Chairperson
Committee on Professional
Medical Conduct