



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

April 5, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Bernard Polatsch, M.D.
5 Pheasant Lane
Woodbury, NY 11797

RE: License No. 091685

Dear Dr. Polatsch:

Enclosed please find Order #BPMC 04-73 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 12, 2004.

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 or receipt of the of the Order to:

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 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

cc: Thomas P. McCloskey, Esq.
Aliazzo, McCloskey & Gonzalez
Attorneys at Law
94-03 101st Avenue
Ozone Park, NY 11416

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

IN THE MATTER
OF
BERNARD POLATSCH, M.D.

CONSENT
ORDER

BPMC No. 04-73

Upon the application of (Respondent) Bernard Polatsch, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 4/2/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
BERNARD POLATSCH, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

BERNARD POLATSCH, M.D., representing that all of the following statements are true, deposes and says:

That on or about January 15, 1964, I was licensed to practice as a physician in the State of New York, and issued License No. 091685 by the New York State Education Department.

My current address is 5 Pheasant Lane, Woodbury, New York 11797, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I assert that I cannot successfully defend the specification of misconduct alleged against me and in full satisfaction of the charge against me, agree to the following penalty:

Pursuant to §230-a(1) of the Public Health Law, I shall be subject to a censure and reprimand.

Pursuant to §230-a(8) of the Public Health Law, I shall be required to enroll in and complete a continuing medical education program in the area of medical record keeping. This continuing education program is subject to the Director of OPMC's prior written approval and shall

be completed within one year of the effective date of this Order. Pursuant to §230-a(7) of the Public Health Law, I shall be required pay a fine in the amount of \$5,000 payable no later than six months from the effective date of this Order. Checks shall be made payable to "New York State Department of Health" and forwarded to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed.

This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED

3/11/04

Bernard Polatsch M.D.
BERNARD POLATSCH, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 3-17-04


THOMAS MCCLOSKEY, ESQ.
Attorney for Respondent

DATE: 3/19/04


NANCY STROHMEYER, ESQ.
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 3/30/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

"EXHIBIT A"

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

IN THE MATTER
OF
BERNARD POLATSCH, M.D.

STATEMENT
OF
CHARGES

Bernard Polatsch, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 15, 1964, by the issuance of license number 091685 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between June 1990 and July 1992, Respondent rendered obstetrical care to Patients A, B and C. During this period:
1. Respondent failed to maintain a record which accurately reflected the evaluation and treatment of Patients A, B and C.

SPECIFICATION OF CHARGES

SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

1. Paragraph A and its subparagraph.

DATED:

March 19
February 1, 2004
New York, New York



Roy Namerson
Deputy Counsel
Bureau of Professional
Medical Conduct