



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.
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NYS Department of Health

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Office of Professional Medical Conduct

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Vice Chair

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

February 24, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Benito B. Rish, M.D.
1010 Broadway
Yonkers, NY 10701

RE: License No. 049671

Dear Dr. Rish:

Enclosed please find Order #BPMC 00-53 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 2, 2000**.

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 to 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: Mark L. Furman, Esq.
Lifshutz, Polland & Hoffman, P.C.
675 Third Avenue
New York, NY 10017

Kevin C. Roe, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
BENITO B. RISH, M.D. : BPMC #00-53

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BENITO B. RISH, M.D., says:

On or about December 20, 1949, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 049671 by the New York State Education Department.

I understand that I have been charged with five specifications of professional misconduct as set forth in the statement of charges attached hereto, made 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 do not contest the first specification of the statement of charges.

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 State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I further agree to a limitation against the issuance of any further license to me pursuant to N.Y. Public Health Law §230-a(6) and agree not to apply for relicensure in New York state.

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


BENITO B. RISH, M.D.
Respondent

Subscribed before me this

7 day of February, 2000


NOTARY PUBLIC

My commission expires:
MARK L. FLAMMIA
NOTARY PUBLIC, State of New York
No. 31-4980720
Qualified in New York County
Commission Expires May 8, 1992
2001

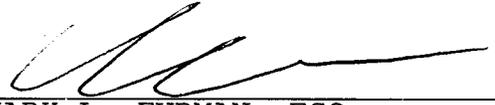
AGREED TO:

Date: 2/14, 2000



KEVIN C. ROE
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 2/4, 2000



MARK L. FURMAN, ESQ.
Attorney for Respondent

Date: 2/18, 2000



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of BENITO B. RISH, 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 the Respondent is limited from any further license pursuant to N.Y. Public Health Law §230-a(6), 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: _____

2/17/00



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

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

-----X

IN THE MATTER : STATEMENT
OF : OF
BENITO B. RISH, M.D. : CHARGES

-----X

BENITO B. RISH, M.D., the Respondent, was authorized to practice medicine in New York State on December 20, 1949, by the issuance of license number 049671 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. From prior to 1990 until approximately January 1, 1998, Respondent practiced medicine at and or was associated with LaFontaine-Rish Medical Associates (LRMA), 315 West 57th Street, New York, New York. Respondent's professional conduct failed to meet acceptable standards, in that:

1. Respondent allowed Person A and/or Person B, who are not licenced to practice medicine, and/or LRMA to share in the fees for his professional services by accepting discounted fees for his medical and surgical services and allowing LRMA to retain the difference.
2. From approximately 1985 to approximately 1997, Respondent paid Person A \$300.00 per patient for each of 10 - 15 patients referred to him by her for professional services.

3. Respondent allowed Person A, who is not licenced to practice medicine, to provide medical care to patients under his name at LRMA.
4. Respondent allowed Person C, who is not licenced to practice medicine, to provide medical care to patients at LRMA.
5. Respondent knowingly allowed Person A and/or Person B to submit bills for medical services which were not rendered.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Fee Splitting

Respondent is charged with unlawful fee splitting in violation of New York Education Law §6530(19) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1.
2. The facts in Paragraphs A and A.2.

THIRD AND FOURTH SPECIFICATIONS

Permitting Unlicensed Practice

Respondent is charged with permitting, aiding, or abetting an unlicensed person to perform activities requiring a licence in violation of New York Education Law §6530(11) in that, Petitioner charges:

2. The facts in Paragraphs A and A.3.
3. The facts in Paragraphs A and A.4.

FIFTH SPECIFICATION

FRAUD

Respondent is charged with practicing the profession fraudulently in violation of New York Education Law §6530(2) in that, Petitioner charges:

5. The facts in Paragraphs A and A.5.

DATED: *November 10*, 1999
Albany, New York


PETER D. VANBUREN
Deputy Counsel
Bureau of Professional
Medical Conduct