



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

October 1, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Marvin D. Heldeman, M.D.
Inmate No. 55573-054
Butner Med FCI
Old NC Hwy 75
Butner, NC 27509

Re: License No. 082583

Dear Dr. Heldeman:

Enclosed please find Order #BPMC 04-223 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 8, 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 of receipt of the Order to the 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: Preston A. Lechins, Esq.
Angalone & Lechins
888 Seventh Avenue, Suite 2808
New York, NY 10106-2808

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

IN THE MATTER

SURRENDER

OF

ORDER

MARVIN D. HELDEMAN, M.D.
CO-04-03-1290-A

BPMC No. 04-223

MARVIN D. HELDEMAN, M.D., says:

On or about July 15, 1959, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 082583 by the New York State Education Department. I currently reside at _____.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a 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 agree, hereby, not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

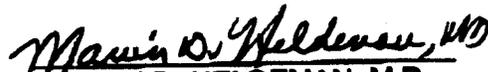
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: 08-28, 2004

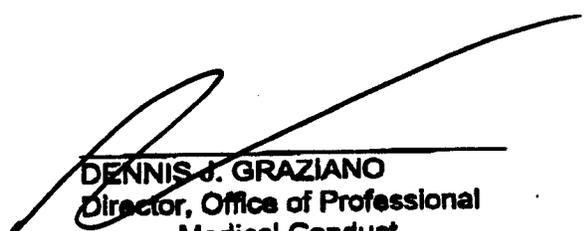

MARVIN D. HELDEBRAN, M.D.
Respondent

AGREED TO:

Date: 23 September, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 28 September, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
MARVIN D. HELDEMAN, M.D.
CO-04-03-1290-A

STATEMENT
OF
CHARGES

MARVIN D. HELDEMAN, M.D., the Respondent, was authorized to practice medicine in New York state on July 15, 1959, by the issuance of license number 082583 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 12, 2004, in the United States District Court, District of Rhode Island, Respondent was found guilty, based on a plea of guilty, of one (1) count of Conspiracy to Commit Health Care Fraud, in violation of 18 USC §371, seventeen (17) counts of Health Care Fraud, in violation of 18 USC §§1347(a) and 2, three (3) counts of Conspiracy to Distribute Drugs, in violation of 21 USC §846, and three (3) counts of Drug Distribution in violation of 21 USC §841(a)(1) and (b)(1)(C) and 18 USC §2, all felonies, and on June 24, 2004, was sentenced to 46 months prison, followed by two (2) years supervised release with conditions, a \$90,000.00 fine, to pay \$19,385.51 restitution to Blue Cross/Blue Shield, and to forfeit his Manhattan, New York apartment.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *August 17*, 2004
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER

Upon the proposed agreement of **MARVIN D. HELDEMAN, 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 the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/1, 2004


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