



**New York State Board for Professional Medical Conduct**

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Charles J. Vacanti, M.D.  
Chair

January 31, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Richard F. Finkel, M.D.  
Prisoner #22046073  
Federal Prison Camp  
110 Raby Avenue  
Pensacola, Florida 32905-5127

RE: License No. 099440

Dear Dr. Finkel:

Enclosed please find Order #BPMC 97-31 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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

Sincerely,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Peter Van Buren, Esq.

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

-----X

IN THE MATTER : SURRENDER  
OF : ORDER  
RICHARD F. FINKEL, M.D. : BPMC # 97-31

-----X

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA) SS.:

RICHARD F. FINKEL, M.D., being duly sworn, deposes and says:

On or about August 29, 1967, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 0990<sup>4</sup>40 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with three specifications 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 admit guilt to the third 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 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.

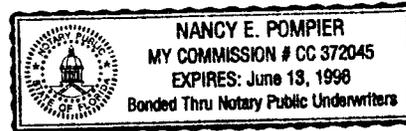
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Handwritten signature of Richard J. ...

RICHARD F. FINKEL, M.D.  
Respondent

Sworn to before me this  
13<sup>th</sup> day of January, 1997

Nancy E. Pompier  
NOTARY PUBLIC



AGREED TO:

Date: January 17, 1997

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

Date: January 21, 1997

Anne Saile  
ANNE F. SAILE  
Acting Director, Office  
of Professional Medical Conduct

ORDER

Upon the proposed agreement of RICHARD F. FINKEL, 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 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: 28 January 1997

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
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  
RICHARD F. FINKEL, M.D. : CHARGES

-----X

RICHARD F. FINKEL, M.D., the Respondent, was authorized to practice medicine in New York State on August 29, 1967, by the issuance of license number 099040 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

1. Respondent, on or about September 11, 1996, was disciplined by the Commonwealth of Massachusetts Board of Registration in Medicine. The Massachusetts Board of Registration in Medicine revoked his license in adjudicatory case No. 96-42-DALA (RM-96-681).

2. More specifically, the Massachusetts Board of Registration in Medicine stated that: "The Board is required to police the medical profession, and discipline those physicians 'who do not live up to the solemn nature of their public trust'...The Respondent's intentional misrepresentation of the nature of medical services that he provided demonstrates an appalling lack of honesty and integrity. Indeed, Respondent's deliberate falsification of data, for the purpose of financial gain, is indicative of a complete and intolerable abandonment of

his professional responsibilities and obligations."

3. The conduct resulting in the discipline imposed by the Commonwealth of Massachusetts Board on Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) [practicing fraudulently] and N.Y. Educ. Law §6530(9)(a)(ii) [conviction of federal crime].

4. Respondent was convicted in the United States District Court, District of Massachusetts, on or about April 15, 1996, of 50 counts of mail fraud, including a Count 60 which had charged him with lying to the Massachusetts State Board of Registration in Medicine in a response letter to two patient complaints of fraudulent billing.

5. The conduct of which Respondent was found guilty by the United States District Court, involved services provided to 17 different patients. Many of these counts involve charges that between April 1, 1991, and August 15, 1994, the Respondent defrauded Medicare, Blue Cross/Blue Shield of Massachusetts, Prudential Insurance of America, and Bay State Health Care, by submitting bills for complex dermatological procedures, such as lesion removal, when in fact he was providing either weight loss counseling or simple dermatological care, such as treatment of a rash.

6. The United States District Court sentenced the Respondent to thirty months incarceration. After his release from prison, he would be on supervised release for three years. The period of incarceration is to be served at the federal prison camp in Pensacola, Florida. Respondent was also assessed \$2,500.00 by the Court and was ordered to pay a fine of

\$30,000.00 and restitution of \$182,722.00.

SPECIFICATIONS

FIRST SPECIFICATION

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of his having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1, 2, and/or 3.

SECOND SPECIFICATION

HAVING HIS LICENSE REVOKED

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) by reason of his having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in paragraphs 1, 2, and/or 3.

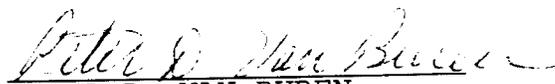
THIRD SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(ii) by reason of his having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

3. The facts in paragraphs 4, 5, and/or 6.

DATED: *January 17*, 1996  
Albany, New York

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