



***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*

Patrick F. Carone, M.D., M.P.H.  
*Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

December 19, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Paul S. Fogel, PA, DPM  
36 Gregory Place  
Richboro, Pennsylvania 18954

RE: License No. 000056

Dear Mr. Fogel:

Enclosed please find Order #BPMC 97-314 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,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: William Lynch, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
PAUL STEVEN FOGEL, P.A., D.P.M. : BPMC #97-314

-----X

PAUL STEVEN FOGEL, P.A., D.P.M., says:

On or about June 11, 1973, I was licensed to practice medicine as a physician assistant in the State of New York having been issued License No. 000056 by the New York State Education Department.

My current address is 36 Gregory Place, Richboro, PA 18954, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

I understand that I have been charged with one 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 assistant in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and 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.

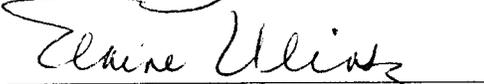
I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physician assistants in the State of New York without further notice to me.

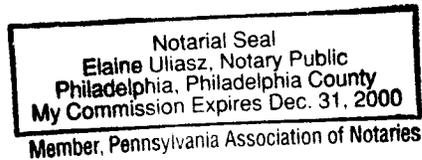
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



PAUL STEVEN FOGEL, P.A., D.P.M.  
Respondent

Subscribed before me this  
5<sup>th</sup> day of December, 1997

  
NOTARY PUBLIC



AGREED TO:

Date: December 10, 1997

  
WILLIAM J. LYNCH  
Senior Attorney  
Bureau of Professional  
Medical Conduct

Date: December 11, 1997

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of PAUL STEVEN FOGEL, P.A., D.P.M., to Surrender his license as a physician assistant 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 physician assistants 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: 12/16/97

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

Exhibit A

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

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IN THE MATTER : STATEMENT  
OF : OF  
PAUL STEVEN FOGEL, P.A., D.P.M. : CHARGES

-----X

PAUL STEVEN FOGEL, P.A., D.P.M., the Respondent, was licensed as a physician assistant in New York State on June 11, 1973 by the issuance of license number 000056 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. By Final Order of Denial of Licensure filed on May 20, 1996, the New Jersey State Board of Medical Examiners denied licensure to the Respondent finding that he had practiced as a physician assistant absent the licensure required by the State of Pennsylvania and was dishonest in his application for licensure to New Jersey.

2. By Consent Agreement and Order dated May 30, 1997, the Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs found that Respondent had an application refused by the licensing authority of another state; had practiced as a physician assistant without a valid certificate; and had made untrue representations in obtaining certification as a physician assistant. Respondent's license to practice as a

physician assistant was suspended for eighteen months; however, the suspension was stayed in favor of probation.

3. The conduct resulting in the denial of licensure by the State of New Jersey and the disciplinary action involving Respondent's license in the Commonwealth of Pennsylvania would constitute professional misconduct if committed in New York State under New York Education Law §6530(1) obtaining a license fraudulently and §6530(12) practicing while a license is inactive.

**FIRST SPECIFICATION**

Respondent is charged with professional misconduct under New York Education Law §6530(9)(d) (McKinney Supp. 1997) in that disciplinary action has been taken against Respondent's license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under New York Education Law §6530(1) obtaining a license fraudulently and §6530(12) practicing while a license is inactive in that Petitioner charges the facts of paragraphs 1, 2 and/or 3.

DATED: *December 10, 1997*  
Albany, New York

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