



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

October 9, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Phillip Hershberg, M.D.
43 Harris Avenue
Needham, MA 02192-3705

RE: License No. 102252

Dear Dr. Hershberg:

Enclosed please find Order #BPMC 97-245 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 Wood, Esq
Wood & Scher
The Harwood Building
14 Harwood Court, Suite 512
Scarsdale, New York 10583

Terry Sheehan, Esq.

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

IN THE MATTER
OF
PHILIP HERSHBERG, M.D.

SURRENDER
OF
LICENSE

BPMC #97-245

STATE OF)
COUNTY OF) ss.:

PHILIP HERSHBERG, M.D., being duly sworn, deposes and says:

On or about September 12, 1968, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 102252 by the New York State Education Department.

My current address is 43 Harris Avenue, Needham, MA 02192-3705, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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".

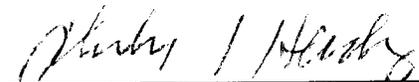
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the specification, in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 application 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 grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

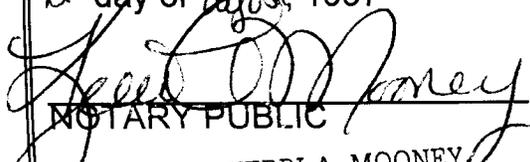
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



PHILIP HERSHBERG, M.D.
RESPONDENT

Sworn to before me this

12th day of August, 1997

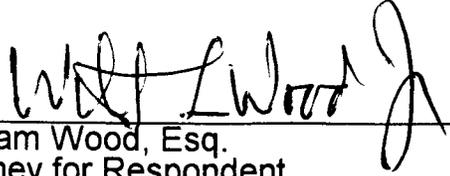


NOTARY PUBLIC

KERRI A. MOONEY
NOTARY PUBLIC
My Commission Expires March 13, 2003

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: _____



William Wood, Esq.
Attorney for Respondent

Date: Sept. 22, 1997



Terrence Sheehan
Associate Counsel
Bureau of Professional
Medical Conduct

Date: September 26, 1997



ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

**IN THE MATTER
OF
PHILIP HERSHBERG, M.D.**

**SURRENDER
ORDER**

Upon the proposed agreement of PHILIP HERSHBERG, M.D. (Respondent) 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 application 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.

SO ORDERED.

DATED: 9/30/97


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

**IN THE MATTER
OF
PHILIP HERSHBERG, M.D.**

**STATEMENT
OF
CHARGES**

PHILIP HERSHBERG, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 12, 1968, by the issuance of license number 102252 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 16, 1993, the Massachusetts Board of Registration in Medicine summarily suspended Respondent's medical license based on a finding that his continued practice of medicine constituted an immediate and serious threat to the public health, safety and welfare. The Board found that Respondent had demonstrated a pattern of negligent and indiscriminate prescribing of controlled substances. Respondent's license remains suspended to this date.

SPECIFICATION OF CHARGES

**SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN**

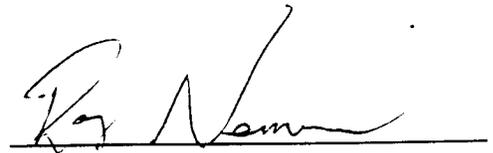
Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or

Exhibit "A"

having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State [namely N.Y. Educ. Law §6530 (2) and (3)] as alleged in the facts of the following:

1. Paragraph A.

Dated: May 5 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct