



New York State Board for Professional Medical Conduct

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

Nirav R. Shah, M.D., M.P.H.
Commissioner
NYS Department of Health
Sue Kelly
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Public

Kendrick A. Sears, M.D.
Chair
Carmela Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

March 24, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen M. Lieb, M.D.

REDACTED

Re: License No. 130581

Dear Dr. Lieb:

Enclosed is a copy of BPMC #11-74 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 31, 2011.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Peter R. Osinoff, Esq.
Bonne Bridges, Mueller, O'Keefe & Nichols
3699 Wilshire Boulevard, 10th Floor
Los Angeles, CA 90010-2719

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

IN THE MATTER
OF
STEPHEN M. LIEB, M.D.

CONSENT
ORDER
BPMC No. #11-74

Upon the application of **STEPHEN M. LIEB, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 3/23/11

• REDACTED

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

IN THE MATTER

CONSENT

OF

AGREEMENT

STEPHEN M. LIEB, M.D.
CO-10-03-1876-A

STEPHEN M. LIEB, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about April 22, 1977, I was licensed to practice medicine in the State of New York and issued license number 130581 by the New York State Education Department.

My current address is REDACTED, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, and I agree:

to never practice medicine in New York state as a physician, activate my registration to practice medicine as a physician in New York state or seek to reapply for a license to practice medicine as a physician in New York state. [Limitation on registration or issuance of any further license pursuant to Public Health Law Section 230-a(6)].

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 3-2-11

REDACTED

STEPHEN M. LIEB, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 3/7/11

REDACTED

PETER R. OSINOFF
Attorney for Respondent

DATE: 3/15/11

REDACTED

RICHARD J. ZAHNLEUTER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/22/11

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
STEPHEN M. LIEB, M.D.
CO-10-03-1876-A

STATEMENT
OF
CHARGES

STEPHEN M. LIEB, M.D., Respondent, was authorized to practice medicine in New York State on April 22, 1977, by the issuance of license number 130581 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 30, 2010, the Medical Board of California (hereinafter "California Board"), by an "Order for License Surrender During Probation" (hereinafter "California Order 1"), accepted the surrender of Respondent's medical license under circumstances where Respondent elected to surrender his license rather than to adhere to the terms of a prior disciplinary "Decision" of the California Board effective on or about February 16, 2010 (hereinafter "California Order 2").

B. By California Order 2, the California Board revoked Respondent's license, stayed the revocation, placed Respondent on probation for 2 years, ordered that Respondent complete a medical record keeping course during the first 6 months of probation, ordered that Respondent enroll in a "clinical training or educational program" within 60 days and complete it successfully within 6 months thereafter, prohibited Respondent from supervising physician assistants, and ordered that Respondent pay probation monitoring costs, based on Respondent having, in the course of treating a symptomatic gynecological patient with undiagnosed endometrial carcinoma on 3 occasions (on or about June 14, 2002, July 1, 2002, and July 9, 2002), failed to inform the patient "of the possibility of malignancy or to perform an endometrial biopsy," delayed performing a PAP test for 6 months, failed on or about September 25, 2003 to evaluate the patient's endometrium and failed to rule out possible carcinoma by endometrial biopsy prior to performing a sonohysterogram, and "created a copy of part of his chart from

memory and provided it to [the patient's] husband without any notation that the copy was not [the patient's] actual chart or that it had been created at a later date."

C. The conduct resulting in the California Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);
3. New York Education Law §6530(4) (practicing the profession with gross negligence on more than one occasion);
4. New York Education Law §6530(5) (practicing the profession with incompetence on a particular occasion); and/or
5. New York Education Law §6530(6) (practicing the profession with gross incompetence).

SPECIFICATIONS OF MISCONDUCT
FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked, suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, or having voluntarily or otherwise surrendered his 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 would, if committed in New York State, constitute professional misconduct under the laws New York State, in that Petitioner charges:

1. The facts in Paragraphs A, C, C(1), C(2), C(3), C(4), and/or C(5).
2. The facts in Paragraphs B, C, C(1), C(2), C(3), C(4), and/or C(5).

DATED: *January 21*, 2011
Albany, New York

REDACTED

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