

**NEW YORK**  
state department of  
**HEALTH**

Public

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

July 29, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Jerome Sturm, M.D.

REDACTED

RE: License No. 169156

Dear Dr. Sturm:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-228. This Order and any penalty provided therein goes into effect August 5, 2013.

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 2784  
Empire State Plaza  
Albany, New York 12237

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

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

cc: Michael D'Lugo, Esq.  
Wicker, Smith, O'Hara, McCoy & Ford, P.A.  
390 North Orange Avenue, Suite 1000  
Orlando, FL 32801

---

IN THE MATTER  
OF  
JEROME STURM, M.D.

---

CONSENT  
ORDER

Upon the application of **JEROME STURM, 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: 7/26/2013

REDACTED

---

ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

---

IN THE MATTER  
OF  
JEROME STURM, M.D.  
CO-12-09-4695-A

---

CONSENT  
AGREEMENT

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

That on or about January 12, 1987, I was licensed to practice medicine in the State of New York and issued license number 169156 by the New York State Education Department. I currently do not practice medicine in the State of New York or anywhere predicated upon my license to practice medicine in New York State.

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 Second Specification in full satisfaction of all Specifications, and agree to the following sanction:

Censure and Reprimand;

Respondent shall pay a \$1,000.00 fine, to be paid within thirty (30) days of the effective date of the Consent Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 2784, Albany, NY 12237-0016.

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the effective date of the Consent Order and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of New York Public Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to New York Public Health Law § 230, shall constitute professional misconduct as defined in New York Education Law § 6530(21) and New York Education Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in New York Public Health Law § 230-a, including but not limited to: Revocation or Suspension of license, Censure and Reprimand, Probation, Public Service and/or Fines up to \$10,000 per specification of misconduct found.

Should respondent return to practice in New York State, Respondent shall appear before the Director no less than 90 days prior to Respondent's return to New York State and

Respondent shall provide documentation that Respondent has successfully completed the terms and conditions outlined in the Settlement Agreement entered into with the New Hampshire Board of Medicine. Furthermore, upon the respondent's appearance, the Director may impose any other terms and conditions which the Director deems necessary.

That Respondent shall cooperate fully with the OPMC in its administration and enforcement of the Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Agreement. Respondent shall meet with a person designated by the Director, OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

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: 7/19, 2013

REDACTED  
~~JEROME STURM, M.D.~~  
Respondent

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

DATE: July 23, 2013

REDACTED

MICHAEL R. D'LUGO Esq.  
Attorney for Respondent

DATE: July 24, 2013

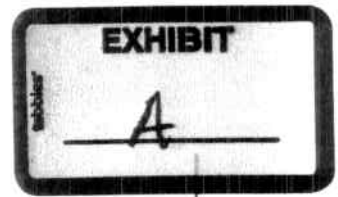
REDACTED

PAUL TSUI  
Assistant Counsel  
Bureau of Professional Medical Conduct

DATE: 7/25, 2013

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



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

---

**IN THE MATTER**  
**OF**  
**JEROME STURM, M.D.**  
**CO-12-09-4695-A**

---

**STATEMENT**  
**OF**  
**CHARGES**

**JEROME STURM, M.D.**, Respondent, was authorized to practice medicine in New York State on January 12, 1987, by the issuance of license number 169156 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about September 4, 2012, the New Hampshire Board of Medicine (hereinafter, "New Hampshire Board"), by a Settlement Agreement, (hereinafter, "New Hampshire Agreement"), inter alia, REPRIMANDED Respondent, and required Respondent to participate in a global assessment of his ability and skills as a physician conducted by the Center for Personalized Education for Physicians (hereinafter, "CPEP") and complete any follow-up recommendations that result from the assessment based on Respondent violating Section 329:17, VI(c)(2008 version) of the Revised Statutes Annotated of New Hampshire based upon two separate incidents. Respondent was also required to pay an administrative fine in the amount of \$1,000.00. On or about November 24, 2005, Respondent failed to personally examine a patient who was approximately 27 weeks pregnant with twins and was admitted to the Franklin Regional Hospital emergency room with bleeding after a previous episode of bleeding. Respondent requested continuous monitoring and hourly updates from the nurse and did not examine the patient until she had been hospitalized for 5.5 hours on or about November 25, 2005 after a report of increased bleeding. Respondent then arranged for her transfer to New England Medical Center for overnight observation and then discharged back to her regular Ob/Gyn in Concord. On or about August 26, 2008, Respondent performed surgery on a patient. On post-op day one the patient became oliguric and Respondent was contacted. Respondent did not personally examine the patient when she was still exhibiting low blood pressure and oliguria. Respondent appropriately requested a consultation from and transferred the patient's



care to a hospitalist who had her admitted to the ICU for observation and care where she was diagnosed with post-operative renal failure which ultimately responded to treatment.

B. The conduct resulting in the New Hampshire 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(3) (practicing the profession with negligence on more than one occasion);
2. New York Education Law §6530(5) (practicing the profession with incompetence on more than one occasion).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by 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 A and/or B.

**SECOND SPECIFICATION**

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

2. The facts in Paragraphs A and/or B.

DATED: *May 8*, 2013  
Albany, New York

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