

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

IN THE MATTER

OF

DAVID A. BLOOM, M.D.

STATEMENT
OF
CHARGES

David Bloom, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 21, 2010, by the issuance of license number 258003 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 1, 2021, the California Medical Board (hereinafter, "California Board") by a Decision After Non-Adoption (hereinafter, "California Decision"), revoked the Respondent's Physician and Surgeon's Certificate and stayed the revocation with five years' probation subject to certain terms and conditions including, but not limited to, a clinical competence assessment program, continuing medical education in ethics and record keeping, a practice monitor, a prohibition on supervising physician assistants, and a prohibition from the solo practice of medicine. The California Board charged the Respondent with failure to obtain a Critical View of Safety (CVS) before removing the patient's gallbladder while performing a laparoscopic cholecystectomy which resulted in a common bile duct injury requiring further surgery to repair and failure to adequately document the surgery in the operative report.

B. The California Board charged the Respondent with violations constituting gross negligence, repeated acts of negligence, and failure to maintain complete and accurate records.

C. The conduct resulting in the California Board's disciplinary action against the 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(4) (Practicing the profession with gross negligence on a particular occasion); and/or
3. New York Education Law §6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. 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 as alleged in the facts of the following:

1. The facts of Paragraphs A, B and C and C1, C and C2, and/or C and C3.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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 as alleged in the facts of the following:

2. The facts of Paragraphs A, B and C and C1, C and C2, and/or C and C3.

DATE: July 8, 2021
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct