



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

PUBLIC

November 18, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anthony M. Benigno, Esq.
NYS Department of Health
Corning Tower - Room 2512
Empire State Plaza
Albany, New York 12237

William Bloom, M.D.
75 Shore Lane
Bayside, New York 11706

RE: In the Matter of William Bloom, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-313) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

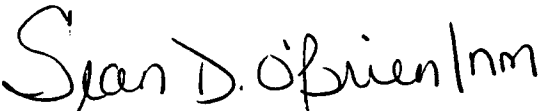
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Sean D. O'Brien/nm". The signature is written in a cursive style with a vertical line through the "n".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:nm
Enclosure

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

-----X

IN THE MATTER

OF

WILLIAM BLOOM, M.D.

-----X

COPY

ORDER # BPMC-03-313

DETERMINATION AND ORDER OF THE HEARING COMMITTEE

The undersigned Hearing Committee consisting of **DONALD CHERR M.D.**, Chairperson, **ELEANOR KANE M.D.** and **PEGGY MURRAIN ED.D.**, were duly designated and appointed by the State Board for Professional Medical Conduct. **MARY NOE** served as Administrative Officer. The hearing was conducted pursuant to the provisions of Sections 230 (10) of the New York Public Health Law and Sections 301-307 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of provisions of Section 6530 of the New York Education Law by **WILLIAM BLOOM, M.D.** (hereinafter referred to as "Respondent"). Witnesses were sworn or affirmed and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

SUMMARY OF PROCEEDINGS

Place of Hearing:

NYS Department of Health
5 Penn Plaza
New York, N.Y.

Pre-Hearing Conference:

September 16, 2003

Hearing date: September 16, 2003
Date of Deliberations: September 16, 2003
Petitioner appeared by: NYS Department of Health
by: Anthony M. Benigno, Esq.
Assistant Counsel
Respondent appeared pro se

WITNESSES

For the Respondent: William Bloom M.D.

SIGNIFICANT LEGAL RULINGS

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct. The Administrative Law Judge issued instructions to the Committee when asked regarding the definitions of medical misconduct as alleged in this proceeding.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York State on or about by the issuance of license number 049528 by the New York State Education Department on November 29, 1949.
2. On October 9, 2001 Respondent executed a consent agreement with the Office of Professional Medical Conduct. (Dept. Exh. 7)
3. As part of the consent agreement, within thirty days of the effective date of the order (November 9, 2001) the Respondent agreed to inactivate his registration with the New York State Department of Education. (Dept. Exh. 7 p. 5)

4. The Respondent failed to inactivate his registration.

5. On March 16, 2002, the Respondent re-registered with the New York State Department of Education. (Dept. Exh. 3)

6. On the registration form, the Respondent provided false information regarding disciplinary procedures. He answered “no” to the question: “Has any jurisdiction disciplined you?” (Dept. Exh. 3)

DISCUSSION

The Respondent admitted to the allegations presented by the Department. (T. 10, 12, 16) Although, Respondent signed a consent order (Dept. Exh. 7), he did not read it and signed it because he had been “dishonored...by what I called a kangaroo court, based on innuendo, rumor, intimidation and finally coercion.” (T. 27) On the day the consent order was signed the Respondent’s son, an attorney was with him for three hours in the morning. (T. 29) The Respondent testified that he assumed that the ongoing litigation, i.e. appeal, meant that nothing was finalized. (T. 16) On January 23, 2003, the Appellate Division, Third Department denied the Respondent’s petition to challenge the consent agreement. (T. 31, District Exh. 8)

The only issue before this Panel was whether the Respondent violated the terms of the consent agreement he signed on October 9, 2001 and whether he made a false statement in his re-registration to the Department of Education.

This Panel does not accept the Respondent’s testimony that he did not read the consent agreement and that the agreement was not finalized because of ongoing litigation.

PANEL'S DETERMINATION ON THE CHARGES

**VIOLATION OF A CONDITION IMPOSED ON LICENSE PURSUANT TO
PHL SECTION 230**

Paragraphs A - SUSTAINED

FALSE REPORT

Paragraphs B - SUSTAINED

DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY

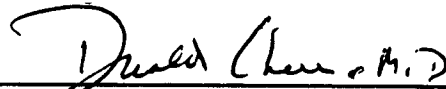
The Hearing Committee, unanimously, after giving due consideration to all the penalties available have determined that pursuant to Section 230-a Subdivision 6, the Respondent is permanently restricted from registering his New York license to practice medicine with the New York State Education Department.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is permanently restricted from registering his New York license to practice medicine with the New York State Education Department.
2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal or certified mail.

DATED: Rochester, New York
17 November 2003



DONALD CHERR, M.D.
Chairperson

ELEANOR KANE, M.D.
PEGGY MURRAIN, ED.D.

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

**IN THE MATTER
OF
WILLIAM BLOOM, M.D.**

**NOTICE
OF
HEARING**

**TO: WILLIAM BLOOM, M.D.
75 Shore Lane
Bay Shore, NY 11706**

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on September 16, 2003, at 1:00 p.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, 6th Floor, New York, NY, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-

0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE

MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET OUT IN NEW
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: Albany, New York
August 7, 2003



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

Inquiries should be directed to: ANTHONY M. BENIGNO
Associate Counsel
Bureau of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 2512
Albany, NY 12237
(518) 473-4282

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

**IN THE MATTER
OF
WILLIAM BLOOM, M.D.**

**STATEMENT
OF
CHARGES**

William Bloom, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 29, 1949, by the issuance of license number 049528 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Effective on or about November 9, 2001, the New York State Board for Professional Medical Conduct issued BPMC Order No. 01-254, a copy of which is annexed hereto as Exhibit 1, which, among other things, imposed a condition, "That Respondent shall, within 30 days of the issuance of the Order of Conditions, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within thirty days thereafter." Respondent fail to provide proof of notification to the Director. In fact, on or about March 16, 2002 Respondent submitted documentation to the Division of Professional Licensing Services and re-registered.
- B. On or about March 16, 2002 Respondent submitted a registration renewal document to the New York State Education Department, Office of the Professions, Division of Professional Licensing Services. Respondent answered "no" to the following question, "Since your last registration application, Has any licensing or disciplinary authority revoked, annulled,

canceled, accepted surrender of, suspended, placed on probation, or refused to issue or renew a professional license or certificate held by you now or previously, or fined, censured, reprimanded or otherwise disciplined you?" Effective November 9, 2001 the New York State Board for Professional Medical Conduct issued BPMC Order No. 01-254 which limited Respondent's medical license precluding him from any patient contact and any practice of medicine, clinical or otherwise.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING VIOLATED A CONDITION IMPOSED ON LICENSEE

PURSUANT TO PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law §6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, in that Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

2. The facts in paragraph B.

DATED: August 7, 2003
Albany, New York



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