



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

August 15, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Leonard Berman, M.D.
50 High Street, Suite 1404
Buffalo, New York 14203

Re: License No. 070171

Dear Dr. Berman:

Effective Date: 08/22/95

Enclosed please find Order #BPMC 95-177 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
Empire State Plaza
Tower Building - Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

Allan R. Lipman, Esq.
120 Delaware Avenue
Buffalo, New York 14202

cc: Kevin Roe, Esq.

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

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IN THE MATTER :
OF : ORDER
LEONARD BERMAN, M.D. : BPMC #95-177

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Upon the application of LEONARD BERMAN, M.D., the Respondent for a Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted, and it is further

ORDERED, that this order shall take effect as of the date of 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 by certified mail, whichever is earliest.

SO ORDERED,

DATED: 9 August 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION
OF : FOR
LEONARD BERMAN, M.D. : CONSENT
: ORDER

-----X

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

LEONARD BERMAN, M.D., being duly sworn, deposes and says:

That on or about June 14, 1950, I was licensed to practice as a physician in the State of New York, having been issued License No. 070171 by the New York State Education Department.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the first specification as it relates to paragraphs A and A.1 and B and B.1 in full satisfaction of the charges against me. However, I do not admit the first specification as it relates to A and A.1 and B and B.1.

I hereby agree that my license be restricted to prohibit the clinical practice of medicine. However, such limitation shall not be construed to prohibit the conduct of physical examinations

by me for the purpose of disability determination assessments, health assessments, pre-employment physical assessments, return to work assessments, Department of Transportation and Health assessments.

I have voluntarily restricted my practice to conform with the limitation of my license requested in this application.

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

I understand that, in the event that this application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law. Whether or not this application is granted, nothing herein shall be construed to be an admission of any act of misconduct alleged or charged against me.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Leonard Berman, M.D.

LEONARD BERMAN, M.D.
RESPONDENT

Sworn to before me this 17th
~~July~~ day of July, 1995.

Judith A. Winters
NOTARY PUBLIC


JUDITH A. WINTERS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug. 13, 1996
Reg # 4970478

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
LEONARD BERMAN, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

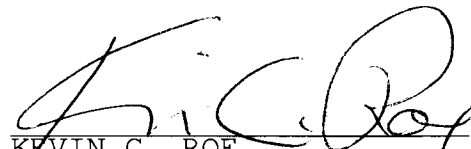
DATE: 7/17/95


LEONARD BERMAN, M.D.
Respondent

DATE: 7/19/95


ALLAN R. LIPMAN, ESQ.
Attorney for Respondent

DATE: 8/1/95


KEVIN C. ROE
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: August 7, 1995

Anne Sailer
KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 9 August 1995

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
LEONARD BERMAN, M.D. : CHARGES

-----X

LEONARD BERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on June 14, 1959 by the issuance of license number 070171 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached appendix) from on or about June 1, 1990, to on or about June 18, 1990, at the Buffalo General Hospital, Buffalo, N.Y. (BGH). Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to return Patient A to surgery to repair a necrotic colostomy in a timely manner.

B. Respondent treated Patient B from on or about April 10, 1985 to on or about April 19, 1985 at the BGH. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent improperly introduced an endoscope into the patient's throat.

C. Respondent treated Patient C at the BGH from on or about October 10, 1989 to on or about November 3, 1989 for alcoholic liver disease with ascites. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent failed to review a post-operative chest x-ray in a timely manner and/or failed to accurately interpret the post-operative chest x-ray.

SPECIFICATIONS

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995) in that, Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A.1; B and B.1; and/or C and C.1.

SECOND SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1995) in that, Petitioner charges two or more of the following:

4. The facts in Paragraphs A and A.1; and B.1; and or C and C.1.

DATED: _____, 1995

Albany, New York

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