



**New York State Board for Professional Medical Conduct**

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

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
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*NYS Department of Health*  
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Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

December 20, 2000

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Sheldon H. Berger, **D.O.**  
4 Fieldcrest Court  
Holmdale, NJ 07733

RE: License No. 079750

Dear Dr. Berger:

Enclosed please find Order #BPMC 00-345 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 20, 2000.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Michael Schoppmann, Esq.  
Kern, Augustine, Conroy & Schoppmann, P.C.  
1120 Route 22 East  
Bridgewater, NJ 08807

Robert Bogan, Esq.

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

**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**SHELDON H. BERGER, D.O.  
CO-00-08-3661-A**

BPMC #00-345

SHELDON H. BERGER, D.O., says:

On or about September 11, 1957, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 070950 by the New York State Education Department. I currently reside at <sup>4 Fieldcrest Court, Holmdale, NJ, 07733.</sup> ~~98 Broad Street, Matawan, NJ 07747.~~

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

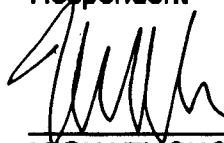
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind of manner.

Date: 12/3, 2000

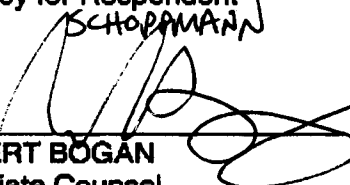
  
SHELDON H. BERGER, D.O.  
Respondent

AGREED TO:

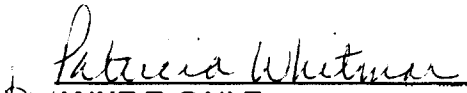
Date: 12/5, 2000

  
MICHAEL SHOPPMAN, ESQ.  
Attorney for Respondent

Date: 8 Dec 2000, 2000

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 12/11, 2000

  
ANNE F. SAILE  
Director, Office of Professional  
Medical Conduct

**ORDER**

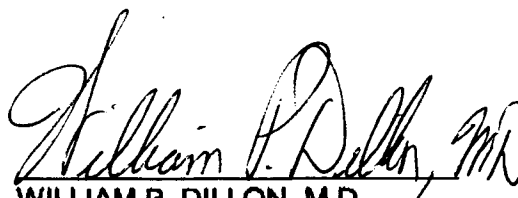
Upon the proposed agreement of SHELDON H. BERGER, D.O., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO and**

**ORDERED**, that the proposed agreement and the provisions thereof are hereby adopted; it is further

**ORDERED**, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

**ORDERED**, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/16, 2000



**WILLIAM P. DILLON, M.D.**  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
SHELDON H. BERGER, D.O.

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STATEMENT  
OF  
CHARGES

SHELDON H. BERGER, D.O., the Respondent, was authorized to practice medicine in New York state on September 11, 1957, by the issuance of license number 079750 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 19, 2000, the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), requested that Respondent retire from the practice of medicine and surgery, in the state of New Jersey, and elsewhere, based on quality management deficiencies.

B. The conduct resulting in the New Jersey Board's 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) (negligence on more than one occasion).

**SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having voluntarily retired from the practice of medicine or having had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional agency of another state where the conduct resulting in the voluntarily retirement from the practice of medicine or other disciplinary action 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 paragraph A and/or B.

DATED: *Dec 7*, 2000  
Albany, New York

*Peter D. Van Buren*

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