



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.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

March 18, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Marvin M. Shuster, M.D.
244 Bal Bay Drive
Bal Harbor, FL 33154

Re: License No. 083372

Dear Dr. Shuster:

Enclosed please find Order #BPMC 04-52 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 25, 2004.

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 the 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

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

IN THE MATTER

SURRENDER

OF

ORDER

**MARVIN SHUSTER, M.D.
CO-03-11-5198-A**

BPMC No. 04-52

MARVIN SHUSTER, M.D., says:

On or about January 20, 1959, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 083372 by the New York State Education Department. I currently reside at 244 Bal Bay Drive, Bal Harbor, FL 33154.

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 have not practiced medicine in New York state in above thirty-five (35) years and I do not intend to return to practice medicine in New York state. In fact, I have retired from the practice of medicine. I am, therefore, 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, therefore, 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: 3-10-04, 2004



MARVIN SHUSTER, M.D.
Respondent

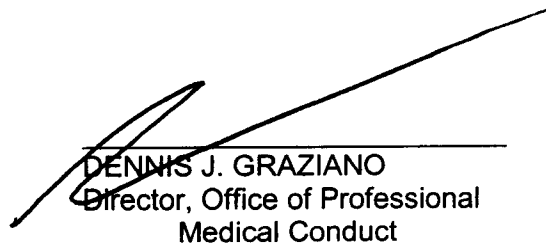
AGREED TO:

Date: 11 March, 2004



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 16 MARCH, 2004



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MARVIN SHUSTER, M.D.
CO-03-11-5198-A

STATEMENT
OF
CHARGES

MARVIN SHUSTER, M.D., the Respondent, was authorized to practice medicine in New York state on January 20, 1959, by the issuance of license number 083372 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 20, 2003, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order 1"), ACCEPTED the Voluntary Relinquishment of Respondent's license to practice medicine with the agreement that he never again reapply for license as a physician in Florida, based upon exercising undue influence within the patient-physician relationship.

B. The conduct resulting in the Florida 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(17) (exercising undue influence on the patient).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by voluntarily surrendering his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the voluntary surrender would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *March 9*, 2004
Albany, New York


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

ORDER

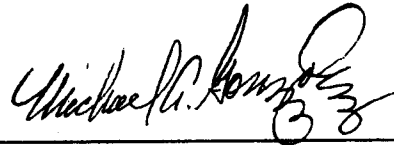
Upon the proposed agreement of **MARVIN SHUSTER, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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: March 17, 2004



MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct