



New York State Board for Professional Medical Conduct

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

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Office of Professional Medical Conduct

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Vice Chair

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

November 9, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Merritt Cohen, M.D.
814 Smith Manor Blvd.
West Orange, NJ 07052

RE: License No. 090138

Dear Dr. Cohen:

Enclosed please find Order #BPMC 00-303 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 9, 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: Ben Slavitt, Esq.
Slavitt and Cowen
17 Academy St., Suite 415
Newark, NJ 07102

Robert Bogan, Esq.

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

IN THE MATTER
OF
MERRITT H. COHEN, M.D.

SURRENDER
ORDER
BPMC #00-303

Merritt H. Cohen, M.D., says:

On or about March 14, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 090138 by the New York State Education Department. I currently reside at 814 Smith Manor Blvd. West Orange, NJ 07052. 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 two (2) specifications 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 over twenty years and I do not intend to practice medicine in New York state in the future. I, therefore, 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 two (2) Specifications and Factual Allegations A and B(2), set forth in the Statement of Charges (Exhibit A).

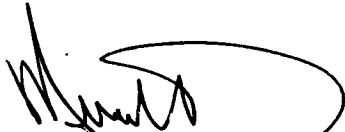
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

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.

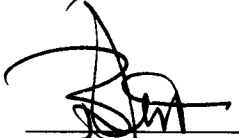
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind of manner.

Date: 10/25, 2000

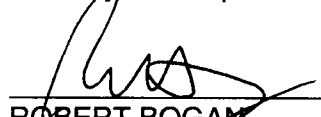

MERRITT H. COHEN, M.D.
Respondent

AGREED TO:

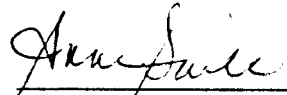
Date: 10/25/, 2000


BEN J. SLAVITT, Esq.
Attorney for Respondent

Date: 27 October, 2000


ROBERT BOGAM
Assistant Counsel
Bureau of Professional Medical
Conduct

Date: Oct 30, 2000


ANNE F. SAILE
Director, Office of Professional
Medical Conduct

"Exhibit A"

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

IN THE MATTER
OF
MERRITT H. COHEN, M.D.

STATEMENT
OF
CHARGES

MERRITT H. COHEN, M.D., the Respondent, was authorized to practice medicine in New York state on March 14, 1963, by the issuance of license number 090138 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 14, 2000, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), suspended Respondent's license to practice medicine for two (2) years, one month of which was active the remainder stayed, placed him on two (2) years probation with conditions, and required him to pay a \$7,500.00 civil penalty, based on sexual misconduct, inappropriate prescribing of CDS, Schedule II narcotics and poor recordkeeping.

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);
2. New York Education Law §6530 (16) (failure to comply with federal, state, or local laws, rules, or regulations);
3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(32) (failure to maintain accurate records).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York State Education 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, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had his license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension 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:

2. The facts in paragraphs A and/or B.

DATED: *Oct 6*, 2000
Albany, New York



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

ORDER

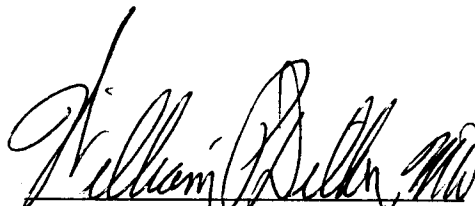
Upon the proposed agreement of **Merritt H. Cohen, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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: 11/7/00, 2000



Handwritten signature of William P. Dillon, M.D.

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