



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

October 24, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James H. Sternberg, M.D.
610 Glades Road
Boca Raton, Florida 33431

RE: License No. 090624
Effective Date: 10/31/94

Dear Dr. Sternberg:

Enclosed please find Order #BPMC 94-222 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 Director
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
JAMES STERNBERG, M.D. : BPMC #94-222

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Upon the Application of James Sternberg, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

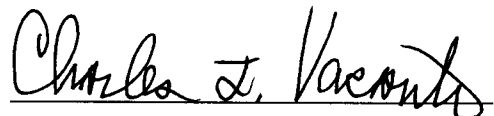
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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

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

SO ORDERED,

DATED: 20 October 1994



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 TO
OF : SURRENDER
JAMES H. STERNBERG, M.D. : LICENSE

-----X

STATE OF FLORIDA)

ss.:

COUNTY OF DADE)

James H. Sternberg, M.D., being duly sworn, deposes and says:

On or about August 5, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 090624 by the New York State Education Department.

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 I have been charged with one 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 permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegations.

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

I understand that, in the event that the application 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 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 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.

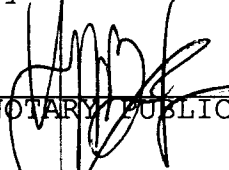
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

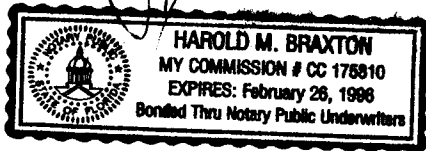


James H. Sternberg, M.D.
Respondent

Sworn to before me this
4th day of October, 1994



NOTARY PUBLIC




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

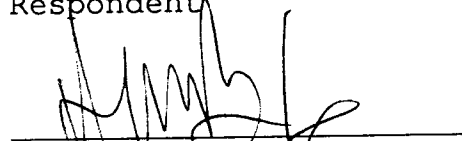
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IN THE MATTER : APPLICATION TO
OF : SURRENDER
JAMES H. STERNBERG, M.D. : LICENSE
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

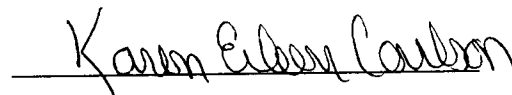
Date: October 4, 1994


James H. Sternberg, M.D.
Respondent

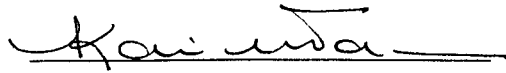
Date: October 4, 1994


Harold Braxton, Esq.
Attorney for Respondent

Date: 10/6, 1994

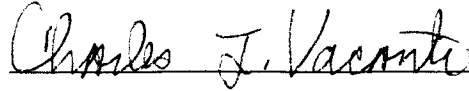

Karen Eileen Carlson
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 10/19, 1994



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 20 October, 1994



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 : STATEMENT
OF : OF
JAMES H. STERNBERG, M.D. : CHARGES

-----X

James H. Sternberg, M.D., the Respondent, was authorized to practice medicine in New York State on August 5, 1963 by the issuance of license number 090624 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

1. The State of Florida, Department of Professional Regulation, Board of Medicine, by Final Order dated April 9, 1993, found Respondent guilty of professional misconduct.
2. The Florida Board's findings were based upon Respondent's conduct of prescribing and dispensing a legend drug, including any controlled substance, other than in the course of the physician's professional practice and prescribing controlled substances to himself.
3. More specifically the Florida Board based its determination on the following facts:

Exhibit "A"

- Respondent had large quantities of controlled substances shipped to him from a New York laboratory in March, July, and September of 1987.
 - Respondent was in a physician-patient relationship by providing these drugs to his girlfriend, thereby creating a duty to maintain patient records.
 - The controlled substances were ordered for and used by Respondent and Respondent's girlfriend.
 - No medical records existed for Respondent or Respondent's girlfriend.
4. The Florida Board imposed an administrative penalty of an administrative fine of one thousand dollars, a requirement of attendance at one or more continuing education courses, and a public reprimand.
5. The conduct set forth in the Florida Board's Findings of Fact, which was the conduct resulting in the disciplinary action taken on Respondent's license, would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession fraudulently or beyond its authorized scope] and/or §6530(32) (McKinney Supp. 1994) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of each patient].

FIRST SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action involving the license 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 1 through 5.

DATED: *August 31*, 1994

Albany, New York

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