



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen  
*Executive Deputy Commissioner*

July 7, 1999

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Philip Siegel, M.D.  
864 Robertson Blvd.  
Los Angeles, California 90035

Philip Siegel, M.D.  
c/o Good Nights Inn  
26557 Agoura Road  
Calabasas, California 91309

Brad Mohr, Esq.  
NYS Department of Health  
Empire State Plaza  
Corning Tower – Room 2509  
Albany, New York 12237-0032

### **RE: In the Matter of Philip Siegel, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No.99-157) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

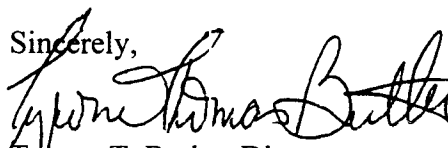
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mla  
Enclosure

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

COPY

IN THE MATTER

-OF-

PHILIP SIEGEL, M.D.

Respondent

DETERMINATION

AND

ORDER

ORDER # 99-157

A Notice of Summary Referral Proceeding and Statement of Charges, dated April 5, 1999, were served upon the Respondent, Philip Siegel, M.D. **MARGERY W. SMITH, M.D. (Chair), RAVINDER MAMTANI, M.D. and PETER KOENIG, SR.** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Henry M. Greenberg, Esq., General Counsel, Bradley Mohr, Esq., Senior Attorney. The Respondent did not appear in person or by counsel. Evidence was received, statements were heard and transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law § 230(10)(p) and (12)(b). Subdivision (10)(p) provides for an expedited proceeding where a licensee is charged solely with a violation of Education Law § 6530(9). Subdivision 12(b) authorizes the Commissioner to summarily suspend a licensee based upon a finding in another jurisdiction that the practice of medicine by the licensee in that jurisdiction constitutes an imminent danger. The scope of this expedited proceeding is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law § 6530(9)(d) (disciplinary action taken against the license or having his application for a license refused by another state) and § 6530 (9)(a)(iii) (conviction of a crime under the laws of another jurisdiction which if committed in N.Y. would constitute a crime). Specifically, the Medical Board of California (hereinafter the California Board) adopted a Stipulation entered into by the Respondent, which revoked his California Physician's and Surgeons' license. The Stipulation included admissions by the Respondent to conduct amounting to gross and repeated negligence, sexual abuse or misconduct, dishonesty or corruption, acts which warrant denial of his medical certificate, unprofessional conduct, conviction of a crime related to the functions of a physician and conviction of a sexual crime. Additionally the States of Florida, Oklahoma and Arizona have taken measures against the Respondent's practice of medicine in those states. The allegations in this proceeding are set forth in the Statement of Charges, a copy of which is attached to and made a part of this Determination and Order as Appendix One. Note that the Petitioner

has moved to withdraw the Fifth Specification from the Statement of Charges and said motion was granted.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Philip Siegel, M.D. (hereinafter, "Respondent"), was licensed to practice medicine in New York State on or about July 2, 1964, by the issuance of license number 092425 by the New York State Education Department. (Pet. Exs. 1 & 3)

2. On or about August 12, 1997, the California Board issued an Interim Order immediately suspending his license to practice medicine based on a finding that the Respondent had engaged or was about to engage in acts constituting a violation of the California Medical Practice Act and that the Respondent's continuing engagement in the practice of medicine would endanger the public health, safety and welfare. (Pet. Ex. 4)

3. On or about February 2, 1999, the California Board issued a decision adopting the Stipulation entered into by the Respondent and the California Board, which revoked Respondent's Physicians and Surgeons License. The Respondent admitted to conduct amounting to gross and repeated negligence, sexual abuse or misconduct, dishonesty or corruption, acts which warrant denial of his medical certificate, unprofessional conduct,

conviction of a crime related to the functions of a physician and conviction of a sexual crime. (Pet. Ex. 7)

4. On or about July 28, 1998, the Respondent plead guilty in the Superior Court, Riverside County, California, to one count of engaging in multiple acts of sexual exploitation with four patients, a violation of the Business and Professions Code and four counts of willfully and unlawfully touching an intimate part of another person for sexual gratification against the will of that person, a misdemeanor. (Pet. Ex. 8)

5. On or about April 25, 1997, the Florida Board of Medicine suspended the Respondent's indefinitely for failing to notify the Florida Board that the Arizona State Board of Medical Examiners took action against his license. (Pet. Ex. 10)

6. On or about July 22, 1994, the Oklahoma Board of Medical Licensure denied the Respondent's application for licensure in Oklahoma. The denial was based on the history of disciplinary actions taken against the Respondent, which raised serious unresolved issues about his ability to practice medicine with reasonable skill and safety and his competency and fitness to practice. (Pet. Ex. 12)

7. On or about May 1, 1995, based upon a stipulation entered into with the Respondent, the Arizona State Board of Medical Examiners issued an Order prohibiting the Respondent from practicing medicine in Arizona until he first notifies the Arizona Board in writing of his intention to do so. (Pet. Ex. 11)

## CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that the Department has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent stipulated to a revocation of his license in California after a disciplinary action was instituted in that state, had his Florida license suspended and had his Oklahoma application for licensure denied. In the California proceeding the disciplinary action was based on the Respondent admitting to conduct amounting to gross and repeated negligence, sexual abuse or misconduct, dishonesty or corruption, acts which warrant denial of his medical certificate, unprofessional conduct, conviction of a crime related to the functions of a physician and conviction of a sexual crime. The Florida action was founded on the Respondent failing to notify the Florida Board that the Arizona State Board of Medical Examiners took action against his license. The Arizona action was based on his being diagnosed as having a mental disability, while the Oklahoma denial was based on the history of disciplinary actions taken against the Respondent, which raised serious unresolved issues about his ability to practice medicine with reasonable skill and safety and his competency and fitness to practice. The conduct which resulted in the stipulated license revocation in California, the action in Florida, the Order in Arizona and the application for licensure denial in Oklahoma

would if committed in this <sup>state</sup> state constitute misconduct under Education Law Section § 6530 (2), (3), (4), (7), (16), (20), and (31) respectively.

Additionally, the Committee found the preponderance of the evidence demonstrates that Respondent was convicted in California, upon a plea of guilty, of Sexual Battery, a crime under California law. Furthermore, the conduct which the Respondent was found guilty of committing constitutes a crime under New York State law.

### DETERMINATION AS TO PENALTY

The Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be **revoked**. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Committee views the conduct which resulted in the California Decision to be egregious misconduct. The Respondent admitted to conduct which amounted to gross and repeated negligence, sexual abuse or misconduct and dishonesty or corruption. Furthermore, he was convicted of sexual battery for inappropriately touching an intimate part of four patients against their will for his own sexual gratification. The Committee found the Respondent's conduct indicative of an irresponsible and professionally dishonest character. The Respondent's actions of multiple sexual abuse, his violation of probation and his violation of state laws and regulations in various jurisdictions were seen as a



continuing history of poor judgment and misconduct. His failure to appear at this proceeding and answer the charges showed his disregard for this process.

The continued practice of medicine in this state by the Respondent poses a danger to the public. The Committee has a duty to protect the public in New York. The Committee felt that only revocation would adequately do so.

**ORDER**


Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First through Fourth and the Sixth Specifications of professional misconduct, as set forth in the Statement of Charges (Appendix I) are **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

**DATED: New York, New York**

*July 6*, 1999



**MARGERY W. SMITH, M.D. (Chair)**

**RAVINDER MAMTANI, M.D.**

**PETER KOENIG SR.**

**TO: Brad Mohr, Esq.**  
Senior Attorney  
New York State Department of Health  
ESP – Corning Tower  
Room 2509  
Albany, New York 12237-0032

**Philip Siegel, M.D.**  
864 Robertson Blvd.  
Suite 202  
Los Angeles, CA 90035

**Philip Siegel, M.D.**  
C/O Good Nights Inn  
26557 Agoura Rd.  
Calabasas, CA 91309

APPENDIX I

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

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IN THE MATTER : STATEMENT  
OF : OF  
PHILIP R. SIEGEL, M.D. : CHARGES

-----X

PHILIP R. SIEGEL, M.D., the Respondent, was licensed to practice medicine in New York State on or about July 2, 1964 by the issuance of license number 092425 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. On February 2, 1999 the Medical Board of California issued a Decision effective March 4, 1999 in Case File No. 10-97-74866 adopted a Stipulation entered into with Respondent Revoking his Physician's and Surgeons' license Certificate No. G 14429 and his Physician Assistant Supervisor Certificate No. SA 25219. Under Section 2227 of the California Business and Professions Code (hereinafter referred to as the "Code"). In addition Respondent must pay costs of \$16,430. Respondent in his Stipulation L-1978817 dated 9/7/98 admitted the truth of each and every allegation in Amended Accusation No. 10-97-74866 consisting of: Gross (Code, Section 2234(b)) and Repeated Negligence (Code, Section 2234(c)) as well as Sexual Abuse or Misconduct (Code, Section 726); Dishonesty or Corruption (Code, Section 2234(e))

involving 4 patients; as well as Acts which would warrant denial of his medical certificate (Code, Section 2234(f); Unprofessional Conduct (Code, Section 2234); Conviction of a Crime substantially related to the qualification, functions, or duties of a physician and surgeon Code, Section 2236) and Conviction of Sexual Crimes which would be grounds for discipline (Code, Section 2234(f)).

2. The conduct resulting in the Revocation involved giving an inappropriate pelvic examination and breast examinations to 4 female patients which involved inappropriate touching of the female patients' vaginal areas, inappropriate touching of the patients' breasts for purposes of sexual gratification, and making inappropriate comments of a sexual nature.

3. The conduct resulting in the Revocation by the California Board would constitute professional misconduct under New York Education Law, namely §6530 (9)(a)(ii) (being convicted of committing an act constituting a crime), (3) (negligence on more than one occasion), (4) (gross negligence), (20) (moral unfitness), and (31) (willfully harassing, abusing or intimidating a patient).

4. Respondent on or about July 28, 1998, in the Superior Court of California, County of Riverside, Case number PEM03870, was found guilty of violation of California Business and Professions Code, Section 729(a), (sexual exploitation by a physician) and 4 counts of violation of California Penal Code

Section 243.4(d) (Felony sexual battery) by entering into a plea of guilty. Respondent was sentenced to: 36 months probation, credit for 7 days time served, pay a restitution/fine of \$200 plus fees of \$140. In addition he is required to register with local law enforcement agencies as to his current residence. He is barred from owning or possessing firearms. He must agree to have no contact with the victim. He must agree to a 3 year suspension of his medical license. He must participate in an approved counseling /rehabilitation treatment program at this own expense. He must reside at an approved residence, seek/maintain gainful employment or participate in a full time schooling or vocational rehabilitation program, report immediately to a Probation Officer upon his release from custody. He must report any law enforcement contacts to his Probation Officer within 48 hours and pay for costs of probation supervision. Respondent has violated his parole by absconding from probation.

5. The conduct resulting in the conviction involved giving an inappropriate pelvic examination and breast examination to a female asthma patient which involved inappropriate touching of the female patient's vaginal area and inappropriate touching of a patient's breasts for purposes of sexual gratification.

6. The conduct resulting in the conviction by the Superior court of California, County of Riverside, Case number PEM03870 would if committed in New York State constitute professional misconduct under New York Education Law, namely §6530 (9)(a)(ii) (being convicted of committing an act constituting a crime).



permitting Respondent to continue in the practice of medicine will endanger the public health, safety, and welfare, and that serious injury will result to the public before the matter can be heard on notice.

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Pursuant to California Government Code section 11529, subdivisions (a) and (b), an interim order of suspension cannot be issued unless:

"the affidavits in support of the petition show that the medical licensee has engaged in or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act and that permitting the licensee to continue to engage in the profession ...will endanger the public health, safety, or welfare and ...shall be issued only after a hearing ...unless it appears that serious injury would result to the public before the matter can be heard on notice."

10. On April 25, 1997, the Board of Medicine of the State of Florida, Case No. 16692, License No. ME0028703 suspended Respondent's license until such time as he can appear before the Board and demonstrate that he is free and clear of all encumbrances in the State of Arizona. Respondent was found guilty of failing to notify the State of Florida that his license was suspended or otherwise acted against by the State of Arizona. Respondent's conduct would constitute professional misconduct under N.Y. Education Law section 6530 9(d).



11. On July 22, 1994, the Oklahoma Board of Medical Licensure and Supervision issued an Order denying Respondent's application for medical licensure. The basis of their denial was that Respondent had a protracted history of disciplinary actions taken against him generally in the form of denial or loss of hospital privileges and has failed to provide the Board with an adequate explanation for this history of disciplinary action. The Board also found that this raised serious issues as to the Respondent's ability to practice medicine and surgery with reasonable skill and safety and that Respondent had failed to produce evidence to overcome the issues of his competence and fitness to practice medicine and surgery. Respondent's conduct would constitute professional misconduct under N.Y. Education Law sections 6530 (2), (3), (4) and/ or (5).

12. On May 1, 1995, Respondent entered into a Stipulation and Order with the Board of Medical Examiners of the State of Arizona which prohibited him from practice of medicine in the State of Arizona until such time as he provides written notice to the Arizona Board of Medical Examiners of his intention to practice medicine in that State. On March 27, 1997 the Board of Medical Examiners issued an Order requiring Respondent to appear for an investigative interview. Respondent's conduct would constitute professional misconduct under N.Y. Education Law section 6530 (7).

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

DISCIPLINARY ACTION IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law section 6530 (9)(d) in that he had disciplinary action taken against his license by a duly authorized agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner alleges:

1. The facts of paragraphs 1, 2, and/or 3.
2. The facts of paragraphs 8, 9, and/or 10.
3. The facts of paragraph 12.

FOURTH SPECIFICATION

CONVICTION OF A CRIME IN ANOTHER JURISDICTION

Respondent is charged with professional misconduct within the meaning of New York Education Law section 6530 (9)(a)(iii) in that he was convicted of an act constituting a crime under the laws of another jurisdiction which if committed in N.Y. would if committed in N.Y. constitute a crime under N.Y. Law under the laws of New York State, in that Petitioner alleges:

4. The facts of paragraphs 4, 5, 6, and/or 7.

FIFTH SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(a) in that he was found guilty of committing acts constituting crimes under the laws of another jurisdiction which, if committed within this state would have constituted a crime under New York state law.

5. The facts of paragraphs 8, 9, and /or 10;


SIXTH SPECIFICATION

REFUSAL OF LICENSE APPLICATION IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law section 6530 (9)(d) in that he had application for his license refused by a duly authorized agency of another state, where the conduct resulting in the refusal would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner alleges:

6. The facts of paragraph 11.

Dated: APRIL 5, 1999  
Albany, New York

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