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New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 29, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen Podolsky, M.D.
101 Monmouth Street, Apt 217
Brookline, MA 02146

RE: License No. 093513

Dear Dr. Podolsky:

Enclosed please find Order #BPMC 98-75 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 6, 1998**.

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
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: Scott Liebert, Esq.
Rosenblum & Studen
60 Walnut Street
Wellesley, MA 02181

Ann Gayle, Esq.

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

IN THE MATTER
OF
STEPHEN PODOLSKY, M.D.

SURRENDER
OF
LICENSE

BPMC #98-75

STATE OF MASSACHUSETTS)
COUNTY OF NORFOLK) SS.:

STEPHEN PODOLSKY, M.D., being duly sworn, deposes and says:

On or about November 4, 1964, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 093513 by the New York State Education Department.

My current address is 101 Monmouth Street, Apartment 217, Brookline, Massachusetts 02146 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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 agree not to contest the charges against me, in full satisfaction of the Statement of Charges.

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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


STEPHEN PODOLSKY, M.D.
RESPONDENT


Sworn to before me this 27th
day of ~~January~~ ^{March}, 1998.


NOTARY PUBLIC

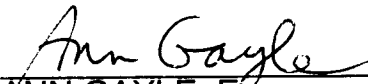
My Commission Expires: May 11, 2001

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

Date: 4/2/98


SCOTT LIEBERT, Esq.
Attorney for Respondent

Date: 4-15-98


ANN GAYLE, Esq.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: April 22, 1998


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
STEPHEN PODOLSKY, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Stephen Podolsky, M.D. (Respondent) 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 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: 4/25/98



PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
STEPHEN PODOLSKY, M.D.

STATEMENT
OF
CHARGES

Stephen Podolsky, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 4, 1964, by the issuance of license number 093513 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 28, 1995, Respondent was indicted, in the United States District Court, District of Massachusetts, Indictment No. 95-10199 RGS, on thirty-eight counts of mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, respectively. On or about February 20, 1997, Respondent pled guilty to ten counts of said indictment, and he was sentenced, *inter alia*, to probation for three years and an order to make restitution in the amount of approximately \$77,000.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii)(McKinney Supp. 1998) by having been convicted of

committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.

DATED: December 30, 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct