



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 18, 1994

Martin Bertman, M.D.
5000 Hollywood Boulevard
Hollywood, FL 33021

RE: License No. 097372
Effective Date: 10/25/94

Dear Dr. Bertman:

Enclosed please find Order #BPMC 94-221 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 Secretary
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
MARTIN I. BERTMAN, M.D. : BPMC #94-221

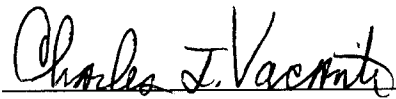
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Upon the application of Martin I. Bertman, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

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 by certified mail, whichever is earliest.

SO ORDERED,

DATED: 7 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
OF : FOR
MARTIN I. BERTMAN, M.D. : CONSENT

: ORDER

-----X

STATE OF FLORIDA)
COUNTY OF BROWARD) ss.:

MARTIN I. BERTMAN, M.D., being duly sworn, deposes and says:

That on or about September of 1966, I was licensed to practice as a physician in the State of New York, having been issued License No. 097372 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 the New York State Board for Professional Medical Conduct has charged me with one Specification of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I hereby agree not to contest the charges against me as set forth in the Statement of Charges, in full satisfaction of the charges against me.

I hereby agree to the penalty of a Censure and Reprimand.

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

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

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

Martin I. Bertman

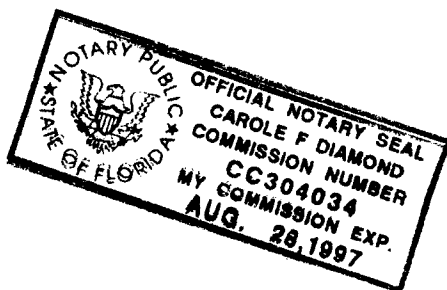
Martin I. Bertman, M.D.
RESPONDENT

Sworn to before me this

26 day of September, 1994.

Carole F. Diamond

NOTARY PUBLIC



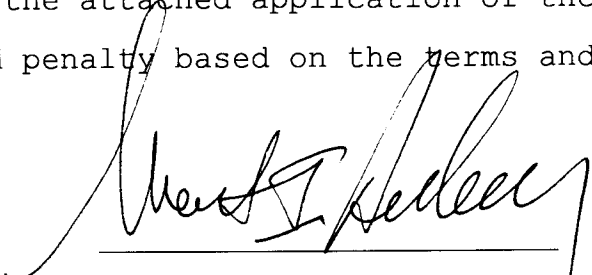
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : APPLICATION
OF : FOR
MARTIN I. BERTMAN, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE:

9/26/94


MARTIN I. BERTMAN, M.D.
RESPONDENT

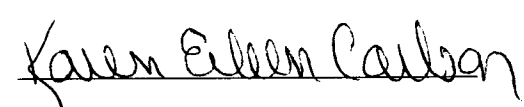
DATE:

9/26/94


FRED CHIKOVSKY, ESQ.
ATTORNEY FOR RESPONDENT

DATE:

10/3/94


KAREN EILEEN CARLSON
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: Oct. 5, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 17 October 1994

Charles J. Vacanti

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

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IN THE MATTER : STATEMENT
OF : OF
MARTIN BERTMAN, M.D. : CHARGES

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MARTIN BERTMAN, M.D., the Respondent, was authorized to practice medicine in New York State in 1966, by the issuance of license number 097372 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On or about December 5, 1992, the Florida Board of Medicine, Department of Professional Regulation [hereinafter "the Board"], disciplined Respondent for failing to adequately maintain medical records and for failing to practice medicine within an acceptable standard of care in his treatment of a single patient.
2. The Board entered into a Consent Order with Respondent after Respondent was charged in an Administrative Complaint, dated July 31, 1992, with failing to maintain adequate medical records, in violation of Florida Statutes, §458.331(1)(m),

and gross or repeated malpractice, in violation of Florida Statutes §458.331(1)(t).

3. More specifically, the Board fined Respondent two thousand dollars, authorized a "Letter of Concern" to be sent to Respondent from the Board, and ordered Respondent to undergo ten hours of continuing medical education courses in the areas of Risk Management and Record Keeping.
4. The conduct resulting in the discipline imposed on Respondent would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(32) (McKinney Supp. 1994) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of each patient].

SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of having had his license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other 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 4.

DATED: *August 31*, 1994
Albany, New York

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