



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

October 19, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harvey Bigelsen, M.D.
710 Whiting Court
San Diego, California 92109

RE: License No. 097755

Effective Date: 10/26/95

Dear Dr. Bigelsen:

Enclosed please find Order #BPMC 95-242 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,

Charles Vacanti, M.D.

Chair

Board for Professional Medical Conduct

Enclosure

cc: Dianne Abeloff, Esq.

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

IN THE MATTER
OF
HARVEY BIGELSEN, M.D.

SURRENDER
ORDER
BPMC #95-242

Upon the Application of Harvey Bigelsen, 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: 16 October 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
HARVEY BIGELEN, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF CALIFORNIA)

COUNTY OF *San Diego*)

ss.:

Harvey Bigelsen, M.D., being duly sworn, deposes and says:

In or about 1966, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 097755 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. My address is 710 Whiting Court, San Diego, CA 92109.

I understand that I have been charged with two specifications 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 admit both specifications, 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.

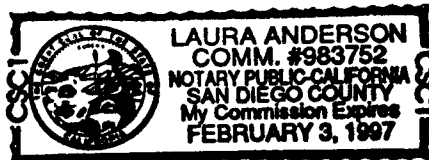
Harvey Bigelsen M.D.

HARVEY BIGELEN, M.D.
Respondent

Sworn to before me this

5th day of Oct, 1995

Laura Anderson
NOTARY PUBLIC



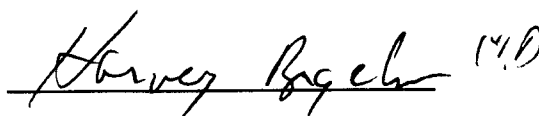
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
HARVEY BIGELEN, M.D.

APPLICATION TO
SURRENDER
LICENSE

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

Date: 10/5, 1995



HARVEY BIGELEN, M.D.
Respondent

Date: _____, 1995

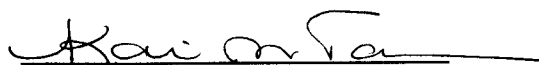
Attorney for Respondent
(IF ANY)

Date: 10/6, 1995



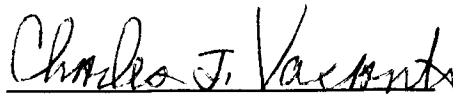
DIANNE ABELOFF
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 10/12, 1995



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 16 October, 1995



CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

EXHIBIT A

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

**IN THE MATTER
OF
HARVEY BIGELSEN, M.D.**

STATEMENT
OF
CHARGES

Harvey Bigelson, M.D., the Respondent, was authorized to practice medicine in New York State in or about 1966, by the issuance of license number 097755 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His current address is 710 Whiting Court, San Diego, CA 92109.

FACTUAL ALLEGATIONS

- A. On or about October 21, 1993, Respondent entered a guilty plea admitting 6 counts of a federal criminal indictment. The counts admitted, all felonies, included the filing of false or fraudulent claims, mail fraud, and conspiracy to obstruct justice. This plea was entered before the U.S. District Court for the District of Arizona.
- B. By an order of the Arizona Board of Medical Examiners of the State of Arizona, Respondent's license to practice medicine in that state was surrendered and cancelled, upon stipulation of the parties, based upon Respondent's entry of plea as set forth in Paragraph A, *supra*. This order was entered May 2, 1994.

SPECIFICATIONS

FIRST SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(a)(ii) (McKinney Supp. 1995) 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

SECOND SPECIFICATION

BEING FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) and/or (d) (McKinney Supp. 1995) by being found guilty of professional misconduct by a duly authorized disciplinary body of another state, and/or having disciplinary action taken against his license after the institution of a disciplinary proceeding, as alleged in the facts of the following:

2. Paragraph B

DATED: August , 1995
New York, New York

ROY NEMERSON
Deputy Counsel, Bureau of
Professional Medical Conduct