



**New York State Board for Professional Medical Conduct**

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

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NYS Department of Health

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Executive Deputy Commissioner  
NYS Department of Health

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Office of Professional Medical Conduct

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Chairman

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

*Public*

October 21, 2005

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

George D. Kornitzer, M.D.  
81 Cove Circle  
Marion, MA 02738

Re: License No. 099126

Dear Dr. Kornitzer:

Enclosed is a copy of Order #BPMC 05-231 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 28, 2005.

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 to the 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

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

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IN THE MATTER  
OF  
GEORGE KORNITZER, M.D.

CONSENT  
ORDER

BPMC No. #05-231

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Upon the proposed agreement of **GEORGE KORNITZER, M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10-21-05

  
KENDRICK A. SEARS, M.D.  
Chair  
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**  
**OF**  
**GEORGE KORNITZER, M.D.**  
**CO-05-02-0930-A**

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**CONSENT**  
**AGREEMENT**  
**AND ORDER**

**GEORGE KORNITZER, M.D.**, (Respondent) being duly sworn deposes and says:

That on or about July 7, 1967, I was licensed to practice as a physician in the State of New York, having been issued License No. 099126 by the New York State Education Department.

My current address is 81 Cove Circle, Marion, MA, 02738, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

The New York State Department of Health has offered to resolve this matter with a Censure and Reprimand and a \$5,000.00 fine. However, I have not practiced medicine in the State of New York in many years and I do not intend to return to the practice of medicine in New York.

I therefore, do not contest Factual Allegations A and B(4) and the Second Specification, in full satisfaction of the charges against me, and hereby agree to the following penalty:

I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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 Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

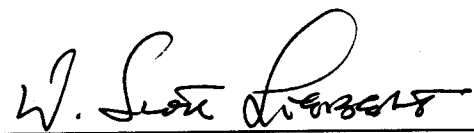
AFFIRMED:

DATED: 10/5/05

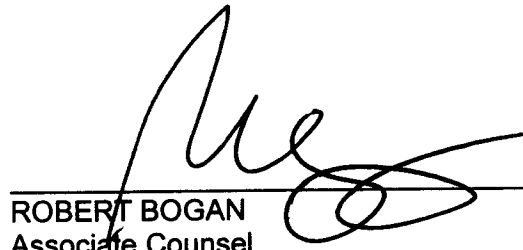
  
\_\_\_\_\_  
GEORGE KORNITZER, M.D.  
Respondent

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


DATE: 10/14/2005

  
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W. SCOTT LIEBERT  
Attorney for Respondent

DATE: 17 October 2005

  
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ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 19 October 2005

  
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DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

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**IN THE MATTER**  
**OF**  
**GEORGE KORNITZER, M.D.**  
**CO-05-02-0930-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**GEORGE KORNITZER, M.D.**, the Respondent, was authorized to practice medicine in New York state on July 7, 1967, by the issuance of license number 099126 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about February 2, 2005, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Final Decision and Order, (hereinafter "Massachusetts Order") reprimanded Respondent and imposed a \$5,000.00 fine, based on failing to identify the sight of a kidney stone in a patient's left ureter on a surgical consent form signed by a patient and on the patient's Hospital Data Sheet prepared by Respondent on the day prior to surgery and, thereafter, operating on the patient's right ureter instead of the left ureter, when the kidney stone was located in the left ureter, and then upon being notified that he operated on the wrong ureter, by nurses, taking the computerized nursing note and crossing out "right" and writing in "left" instead, indicating he had operated on the patient's left ureter when in fact he had operated on the right ureter.

B. The conduct resulting in the Massachusetts Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(20) (moral unfitness);
4. New York Education Law §6530(26) (performing professional services which have not been duly authorized by the patient); and/or

5. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based 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 A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary 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 New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *August 18*, 2005  
Albany, New York

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