



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

C. Maynard Guest, M.D.
Executive Secretary

February 27, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Oscar Klein, M.D.
451 West End Avenue
Apartment 11-F
New York, New York 10224

RE: License No. 103858
Effective Date: 03/06/95

Dear Dr. Klein:

Enclosed please find Order #BPMC 95-41 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,



C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: H. Roger Lutz, Esq.
1 Sarasota Tower
2 North Tamiami Trail
Sarasota, Florida 34236

Kevin Roe, Esq.

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

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IN THE MATTER :
OF : ORDER
OSCAR KLEIN, M.D. : BPMC #95-41

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Upon the application of OSCAR KLEIN, 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 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: 22 February 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

of probation under the terms attached hereto, made part hereof and marked as Exhibit B and that I be fined \$2,500.00.

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.



OSCAR KLEIN, M.D.
RESPONDENT

Sworn to before me this

18th day of January, 1965.

Glenn S. Thomas
NOTARY PUBLIC

GLENN S. THOMAS
Notary Public, State of New York
No. 24-4960571
Qualified in King County
Commission Expires 12/28 95

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

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IN THE MATTER : STATEMENT
OF : OF
OSCAR KLEIN, M.D. : CHARGES

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OSCAR KLEIN, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1961, by the issuance of license number 103858 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

A. On or about December 3, 1991, Respondent was convicted in the United State District Court for the Middle District of Florida of one count of Medicare Fraud in violation of 42 USC 1320(A)-7b based on his plea of guilty. Respondent was placed on one year probation, fined \$1,000 and ordered to perform 50 hours of community service.

B. On or about June 15, 1992, the Board of Medicine of the State of Florida found that Respondent had violated Florida Statutes §58.331(1)(b) in that he had been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates

to the practice of medicine or the ability to practice medicine. The Florida Board of Medicine revoked Respondent's license to practice medicine in that State. On appeal, the revocation of Respondent's license was reversed and the matter remanded to the Florida Board of Medicine for reconsideration of penalty. On or about April 5, 1992, the Florida Board of Medicine ordered that Respondent's license be placed on probation for a period of time and under such conditions as the Board of Medicine shall determine at the time he returns to the practice of medicine in Florida. The conduct upon which the findings of the Florida Board of Medicine were based would, if committed in New York State, constitute professional misconduct under New York Education Law §6530(9)(a)(ii).

SPECIFICATIONS

FIRST SPECIFICATION

FEDERAL CONVICTION

Respondent is charged with having been convicted of committing an act constituting a crime under federal law in violation of New York Education Law Section 6530(9)(a)(ii), in that, Petitioner alleges:


1. The facts in Paragraph A.

SECOND SPECIFICATION
OUT OF STATE DISCIPLINE

Respondent is charged with 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 violation of New York Education Law §6530(9)(b) (McKinney Supp. 1993), in that, Petitioner alleges:

2. The facts in paragraph B.

DATED: *Sept. 29*, 1994
Albany, New York


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

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

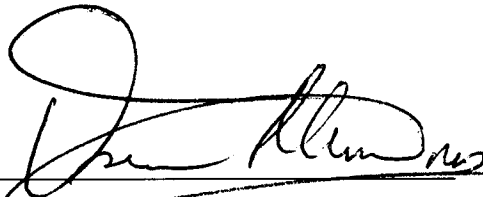
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IN THE MATTER : APPLICATION
OF : FOR
OSCAR KLEIN, M.D. : CONSENT
: ORDER

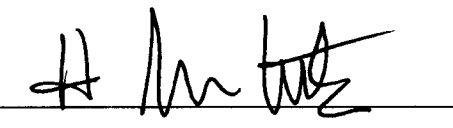
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The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

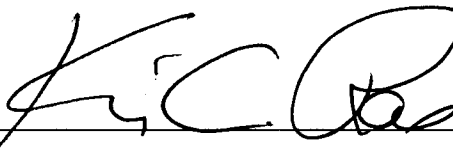
DATE: January 18, 1995


OSCAR KLEIN, M.D.
Respondent

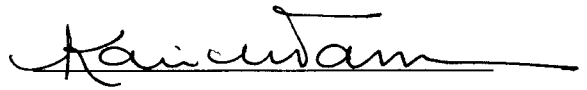
DATE: Jan 13, 1995


H. ROGER LUTZ, Esq.
Attorney for Respondent

DATE: Feb 21, 1995

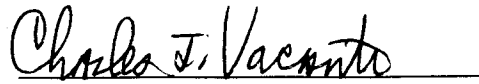

KEVIN C. ROE
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: Feb. 14, 1995



KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 22 February 1995



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

EXHIBIT B

TERMS OF PROBATION

1. OSCAR KLEIN, M.D, the Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone numbers and, of any change in Respondent's employment, practice, residence, or telephone numbers within or without the State of New York.
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees. Proof from DPLS shall be submitted by Respondent to NYSDOH addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation.
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of his profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which have been imposed upon Respondent by the Board. Proof of the above shall be submitted no later than the first six months of the period of probation.
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.

8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.