



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

March 23, 1999

Mr. Robert Bentley, Director  
Division of Professional Licensing Services  
New York State Education Department  
Cultural Education Center  
Empire State Plaza  
Albany, NY 12230

RE: Pietr Hitzig, M.D.  
NYS License No. 106976

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Pietr Hitzig's right to practice medicine in the State of New York. This Order was issued on March 17, 1999, and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile  
Director  
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

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IN THE MATTER : COMMISSIONER'S  
OF : SUMMARY  
PIETR HITZIG, M.D. : ORDER

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TO: PIETR HITZIG, M.D.  
5228 SOLEDAD MOUNTAIN ROAD  
SAN DIEGO, CALIFORNIA 92109

The undersigned, DENNIS P. WHALEN, Executive Deputy Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the Respondent PIETR HITZIG, M.D., has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction for acts which if committed in this state would have constituted the basis for summary action by the Commissioner pursuant to New York Public Health Law section 230(12)(a).

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12)(b), that effective immediately PIETR HITZIG, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within ninety days after service of this Order. The date and location of the hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to the Respondent at a later date. The written Notice and Statement of Charges may be provided in person, by mail, or by other means. If Respondent wishes to be provided with this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, New York State Department of Health, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, 12180 [telephone: (518) 402-0748].

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
March 17 , 1999

  
DENNIS P. WHALEN  
Executive Deputy Commissioner

Inquiries should be directed to:

Mark T. Fantauzzi  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
• Corning Tower Building  
Room 2509  
Empire State Plaza  
Albany, New York 12237-0032  
(518) 473-4282

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

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IN THE MATTER : STATEMENT  
OF : OF  
PIETR HITZIG, M.D. : CHARGES

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PIETR HITZIG, M.D., the Respondent, was authorized to practice medicine in New York State on August 24, 1970, by the issuance of license number 106976 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On November 18, 1998, Respondent's license to practice medicine was summarily suspended by the Maryland Board of Physician Quality Assurance. The summary suspension was based upon the Board's investigatory findings which concluded that the Respondent had engaged in immoral and unprofessional conduct including sexual contact with patients, including sexual intercourse, profound and egregious boudary violations and numerous improprieties with respect to the prescribing and other dispensation of drugs, including controlled substances, and other improper conduct. In summarily suspending Respondent's medical license, the Maryland Board concluded that the summary suspension was necessary as the "...public health, safety and welfare imperatively require(d) emergency action...". As noted, the Summary Suspension by the Maryland Board was based upon

investigatory findings, the written exposition of which consumed sixty (60) pages and two hundred and fifty-eight (258) separately numbered paragraphs.

B. On December 16, 1998, after a show cause hearing held within thirty (30) days of the Summary Suspension of Respondent's medical license, and otherwise in accordance with Maryland law, the Maryland Board suspended Respondent's medical license.

C. On February 1, 1999, by written letter to the Chairman of the Maryland Board of Physician Quality Assurance, Respondent permanently surrendered his license to practice medicine in the State of Maryland. On February 3, 1999, the Maryland Board accepted Respondent's surrender. In Respondent's letter of February 1, 1999, by which he surrendered his medical license, Respondent affirmed, admitted, acknowledged, and otherwise agreed as follows:

**" I affirm that the Board's investigation revealed that I engaged in unprofessional conduct, including boundary violations. As set forth in both the Order for Summary Suspension and Charges Under the Maryland Medical Practice Act, the findings of the investigation included sexual contact with patients, including sexual intercourse, and profoundly egregious conduct involving numerous boundary violations. "**

**" I admit that I have engaged in unprofessional conduct including sexual misconduct with my patients. I acknowledge that I misused my position as a physician and betrayed the trust placed in me. I acknowledge that the Office of the Attorney General would prove by clear and convincing evidence at an administrative hearing that I did engage in unprofessional conduct as described above. "**

" I have decided to surrender my license to practice medicine in Maryland to avoid further prosecutorial proceedings of the aforementioned charges and summary suspension. The basis for the summary suspension and the charges against me include the findings of the investigation described above, and as specified in the Order for Summary Suspension and charging documents, and by virtue of this Letter of Surrender, I waive any right to contest those charges and findings. I wish to make clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned charges under the Act and in order to resolve this matter. I understand that by executing this Letter of Surrender, I am waiving any right to contest these findings in a formal evidentiary hearing and waiving all other substantive and procedural protections provided by law, including the right to appeal. I make this decision after consulting with counsel. "

" I agree never to apply for reinstatement of my medical licensure in the State of Maryland. "

Excerpts From Respondent's Letter of Surrender, dated February 1, 1999, accepted by the Maryland Board on February 3, 1999. (Emphasis Added.)

D. The conduct resulting in the institution of disciplinary proceedings against Respondent, the summary suspension of Respondent's medical license, the suspension of Respondent's medical license, and the surrender of Respondent's medical license, would constitute professional misconduct under the laws of New York State including, but not limited to, the following section of New York State law:

1. New York Education Law section 6530(3)-(negligence on more than one occasion);
2. New York Education Law section 6530(4)-(gross negligence);

3. New York Education Law section 6530(5)-(incompetence on more than one occasion);
4. New York Education Law section 6530(6)-(gross incompetence)
5. New York Education Law section 6530(16)-(wilful or grossly negligent failure to follow laws governing the practice of medicine);
6. New York Education Law section 6530(20)-(moral unfitness)

**FIRST SPECIFICATION  
FINDING OF GUILT OF IMPROPER PROFESSIONAL PRACTICE OR  
PROFESSIONAL MISCONDUCT PROFESSIONAL DISCIPLINARY AGENCY OF  
ANOTHER STATE**

Respondent is charged with professional misconduct in violation of Education Law section 6530(9)(b) by reason of his 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 could, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges:

1. The facts in paragraphs A, B, C, and D.



**SECOND SPECIFICATION**  
**SURRENDER OF MEDICAL LICENSE AFTER INSTITUTION OF DICIPLINARY**  
**ACTION BY DICIPLINARY AGENCY OF ANOTHER STATE**

Respondent is charged with professional misconduct in violation of Education Law section 6530(9)(d) by reason of his having surrendered his license to preactice medicine in another state after the institution of diciplinary proceedings by a duly authorized diciplinary agency of another state where the conduct resulting in the surrender of Respondent's license to practice medicine in the other state, 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, B, C, and D.

**THIRD SPECIFICATION**  
**DICIPLINARY ACTION TAKEN BY DICIPLINARY AGENCY OF ANOTHER STATE**

Respondent is charged with professional misconduct under New York Education Law section 6530(9)(d) by reason of his having had diciplinary action taken against him by a duly authorized professional diciplinary agency of another state, when the conduct resulting in the diciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petoitioner charges:

1. The facts in paragraphs A, B, C, and D.

March 17, 1999

Albany, New York

*Peter D. Van Buren*

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