



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

December 4, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Simon Pinhas, M.D.
9033 Wilshire Boulevard
Beverly Hills, California 93003

RE: License No. 131388

Dear Dr. Pinhas:

Effective Date: 12/11/95

Enclosed please find Order #BPMC 95-294 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: Michael S. Kelton, Esq.
Messrs Lippman, Krasnow & Kelton, L.L.P.
711 Third Avenue
New York, New York 10017

David W. Smith, Esq.

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

IN THE MATTER
OF
SIMON J. PINHAS, M.D.

CONSENT
ORDER

BPMC #95-294

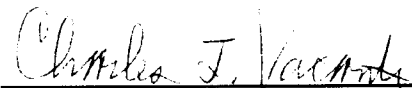
Upon the application of SIMON J. PINHAS, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 30 November 1995



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
SIMON J. PINHAS, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF CALIFORNIA)
COUNTY OF) ss.:

SIMON J. PINHAS, M.D., being duly sworn, deposes and says:

That on or about July 1, 1977, I was licensed to practice as a physician in the State of New York, having been issued License No. 131388 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 admit guilt to the first specification, in full satisfaction of the charges against me.

I hereby agree to the following penalty:


1. My license to practice medicine shall be suspended for a period of three (3) years, such suspension to be stayed.
2. I shall be placed on probation for a period of three (3) years in accordance with the Terms of Probation attached hereto as Exhibit "B". Said probation shall be tolled unless and until I resume the practice of medicine in New York State.


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

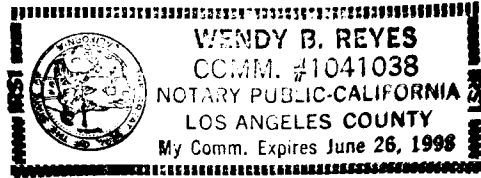
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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.


SIMON J. PINHAS, M.D.
RESPONDENT

Sworn to before me this
17th day of Nov., 1995

NOTARY PUBLIC



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

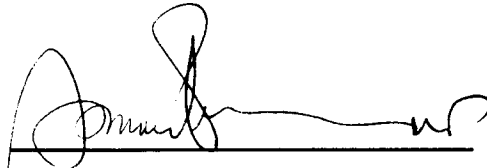
IN THE MATTER
OF
SIMON J. PINHAS, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE:

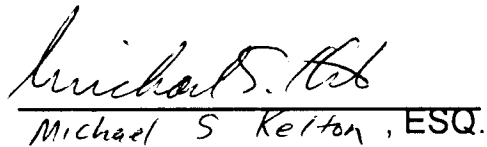
11/17/95



SIMON J. PINHAS, M.D.
Respondent

DATE:

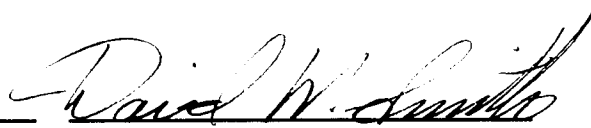
11/27/95



Michael S. Kelton, ESQ.
Attorney for Respondent

DATE:

11/28/95



DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Nov 30 1995

Kathleen M. Tanner
for KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 30 November 1995

Charles J. Vacanti
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
SIMON J. PINHAS, M.D.**

**STATEMENT
OF
CHARGES**

SIMON PINHAS, M.D., the Respondent, was authorized to practice medicine in New York State in 1977, by the issuance of license number 131388 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On April 6, 1995, Respondent entered into a Stipulation and Order with the Medical Board of California, Division of Medical Quality, Department of Consumer Affairs (herein "MBC") whereby MBC suspended the license of Respondent to practice medicine in the State of California for a period of one (1) year, stayed the Suspension and placed Respondent on probation for five (5) years. The Stipulation and Order were based on charges of unnecessary treatment, fraudulent billing and failure to maintain patient records. Such conduct by Respondent violates N.Y. Educ. Law §§6530(35), (21), and (32) respectively.

SPECIFICATION OF CHARGES

**FIRST SPECIFICATION
DISCIPLINARY ACTION**

Respondent is charged with professional misconduct as defined in N.Y. Educ. Law §6530(9) (d)(McKinney Supp. 1995) by having had his license suspended after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state where the conduct resulting in the suspension would, if committed in New York State, be professional misconduct under the laws of New York State. Specifically, Petitioner charges:

1. The facts in Paragraph A.

DATED: November , 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. SIMON J. PINHAS, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;
2. 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 number, and of any change in Respondent's employment, practice, residence, or telephone number 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, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within 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 Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two 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 and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

7. During the period of probation, Respondent's practice shall be monitored by a licensed physician who shall review Respondent's professional performance and practice and who:
 - a. Shall be proposed by the Respondent, subject to the approval of the Director;
 - b. Shall be familiar with the Terms of Probation contained herein;
 - c. Shall meet monthly with the Respondent to discuss his practice and whether Respondent's practice conforms with generally accepted standards of medical care;
 - d. Shall not be a personal friend or relative of Respondent;
 - e. Shall submit to OPMC quarterly reports to the results of such monitoring; and
 - f. Shall acknowledge in advance his/her willingness to comply with the above mentioned reporting by executing the acknowledgement required by OPMC.
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her 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.
9. Respondent shall notify the Director, in writing, Certified mail, return receipt requested, not more than 30 days prior to the resumption of his practice of medicine in New York State. The duration of this probation shall commence upon the resumption of medical practice in New York State.