



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

December 20, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Simon J. Pinhas, M.D.
1154 Tower Road
Beverly Hills, CA 90210

RE: License No. 131388

Dear Dr. Pinhas:

Enclosed please find Order #BPMC 01-308 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 20, 2001.

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 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

cc: Matthew T. Cheever, Esq.
Nossman, Guthner, Know & Elliot, LLP
915 K, Street, Suite 1000
Sacramento, CA 95814-3701

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

IN THE MATTER

SURRENDER

OF

ORDER

**SIMON J. PINHAS, M.D.
CO-00-09-4262-A**

BPMC No. 01-308

SIMON J. PINHAS, M.D., says:

On or about July 1, 1977, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 131388 by the New York State Education Department. I currently reside at 1154 Tower Road, Beverly Hills, CA 90210.

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 two (2) 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 not currently registered to practice medicine in New York state.

I have not practiced medicine in New York state in 24 years and I do not intend to return to practice in New York state. I, therefore, am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest Factual Allegations A, except the words "and false Medicare Billing," and B(1) and B(5) and the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


Date: 12/10, 2001



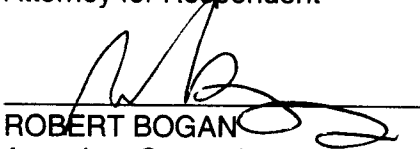
SIMON J. PINHAS, M.D.
Respondent

AGREED TO:


Date: 11/19, 2001


MATTHEW CHEEVER, ESQ.
Attorney for Respondent

Date: 12/10, 2001


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 17 December, 2001


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

"Exhibit A"

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

IN THE MATTER
OF
SIMON J. PINHAS, M.D.
CO-00-09-4262-A

STATEMENT
OF
CHARGES

SIMON J. PINHAS, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1977, by the issuance of license number 131388 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 20, 2000, the Board of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's Physicians and Surgeon's Certificate and required him to pay \$21,000.00 costs of prosecution, based on failing to obtain informed consent prior to performing surgery on a patient, making a false statement to a California Board investigator, and false Medicare Billing.

B. The conduct resulting in the California 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(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);
2. New York Education Law §6530(17) (exercising undue influence on a patient);
3. New York Education Law §6530(20) (moral unfitness);
4. New York Education Law §6530(21) (willfully making or filing a false report);

and/or

5. New York Education Law §6530(26) (performing professional services which had not been duly authorized).

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 his license to practice medicine revoked or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other 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: *May 14*, 2001
Albany, New York


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

ORDER

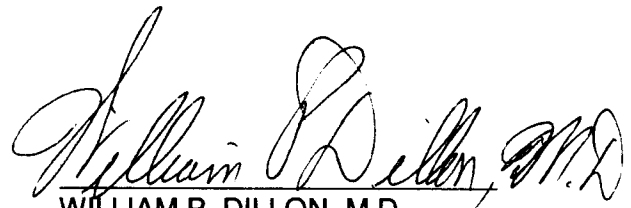
Upon the proposed agreement of **SIMON J. PINHAS, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof, are, hereby, adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/20, 2001



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct