



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

March 22, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harvey Shapiro, M.D.
8700 Central Avenue
Landover, Maryland 20785

RE: NY License #136025
Effective Date: 03/29/95

Dear Dr. Shapiro:

Enclosed please find Order #BPMC 95-62 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,

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

Enclosure

cc: Jeffrey Harris, Esq.
Rubin, Winston, Diercks, Harris and Cook
1333 New Hampshire Avenue, N.W.-10th Floor
Washington, D.C. 20036

Kevin Donovan, Esq.

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

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IN THE MATTER :
OF : ORDER
HARVEY SHAPIRO, M.D. : BPMC #95-62

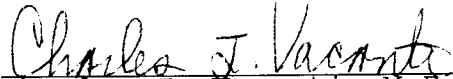
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Upon the application of HARVEY SHAPIRO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

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: 17 March 1995



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

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
HARVEY SHAPIRO, M.D. :
: ORDER
-----X

STATE OF MARYLAND)
) ss.:
COUNTY OF PRINCE GEORGES)

HARVEY SHAPIRO, M.D., being duly sworn, deposes and says:

That on or about October 6, 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 136025 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 Two Specifications of professional misconduct.

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

I admit guilt to the Second Specification in full satisfaction of the charges against me.

I hereby agree to the penalty of a censure and reprimand, probation for one year, and the Terms of Probation in the attached Appendix B; provided, however, that the term of probation concerning use of a physician assistant shall not go

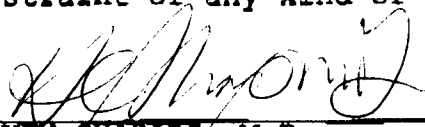
into effect until I practice medicine in New York State.

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.



HARVEY SHAPIRO, M.D.
RESPONDENT

Sworn to before me this
9th day of March, 1995.


NOTARY PUBLIC

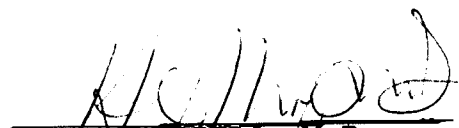
STEVEN J. STONE
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 1998

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


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IN THE MATTER : APPLICATION
OF : FOR
HARVEY SHAPIRO, 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: MAR 8 1995


HARVEY SHAPIRO, M.D.
Respondent

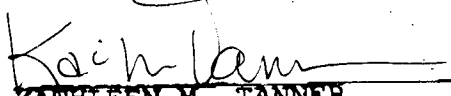
DATE: MAR 8 1995


JEFFREY HARRIS, Esq.
Counsel for Respondent

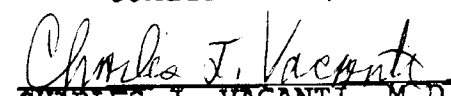
DATE: Mar 13 1995


KEVIN P. DONOVAN
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: March 14, 1995


KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 17 March 1995


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

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

-----X

IN THE MATTER : STATEMENT
 OF : OF
 HARVEY SHAPIRO, M.D. : CHARGES

-----X

HARVEY SHAPIRO, M.D., the Respondent, was authorized to practice medicine in New York State on October 6, 1978, by the issuance of license number 136025 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. By Consent Order dated September 23, 1993, the State Board for Physician Quality Assurance of the State of Maryland issued an Order finding that Respondent had violated the law of Maryland by practicing medicine with an non-authorized person, in that he employed an individual as a physician assistant who was not certified to practice as a physician assistant. Respondent was reprimanded.

B. The conduct of which Respondent was found guilty in Maryland would, if committed in New York State, constitute professional misconduct under the laws of new York State, namely permitting, aiding or abetting an unlicensed person to perform activities requiring a license within the meaning of New York Education Law §6530(11) (McKinney Supp. 1995), and delegating professional responsibilities to a person not qualified by licensure to perform them within the meaning of New York

Education Law §6530(25) (McKinney Supp. 1995).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(b) (McKinney Supp. 1995) in that he was 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 Respondent charges:

1. The facts of paragraphs A and B.

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1995) in that he had disciplinary action taken against his license 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 of New York State, in that Respondent charges:

1. The facts of paragraphs A and B.

DATED: *March 13*, 1995
Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION

1. HARVEY SHAPIRO, M.D, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his 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 (OPMC), New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of the address and telephone number of any employment, practice, and residence, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall promptly notify the Director of OPMC of the employment of any physician assistant in New York State;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that Respondent is currently registered with the New York State Education Department (NYSED), unless Respondent submits written proof that Respondent has advised the Division of Professional Licensing Services of the NYSED that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to so register; said proof of the above to be submitted no later than the first three months of the period of probation;
5. Respondent shall comply with all terms and conditions to which he is subject pursuant to the order of the Board.