



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

March 20, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alexander S. Bernath, M.D.
2308 Meadows Lane
Sherman, Texas 75090

RE: License No. 136076

Dear Dr. Bernath:

Enclosed please find Order #BPMC 97-69 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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Michael A. Schwartz, Esq.
Fieger, Fieger & Schwartz
19390 West Ten Mile Road
Southfield, Michigan 48075-2463

Cindy M. Fascia, Esq.

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

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IN THE MATTER :
OF : ORDER
ALEXANDER SANDOR BERNATH, M.D. : BPMC #97-69

-----X

Upon the Application of ALEXANDER SANDOR BERNATH, 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: 14

Charles J. Vacanti
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

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IN THE MATTER : APPLICATION
OF : FOR
ALEXANDER SANDOR BERNATH, M.D. : CONSENT
: ORDER

-----X

STATE OF TEXAS)
COUNTY OF GRAYSON)
SS.:

ALEXANDER SANDOR BERNATH, M.D., being duly sworn, deposes
and says:

I was licensed to practice as a physician in the State of
New York, having been issued License No. 136076 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 do not contest the Factual Allegations and Specification
in Exhibit A, in that I did enter into an Agreed Order with the
Texas State Board of Medical Examiners, as set forth in Exhibit
A. I understand that the New York State Board for Professional

Medical Conduct's action against me is based solely on the Texas Board's Agreed Order, and that no additional misconduct is charged or alleged.

I hereby agree to the penalty of a censure and reprimand and the requirement that I re-register as a physician in New York State and provide proof of current registration within 90 days of the date of this Order. Proof shall be sent to the Director of the Office of Professional Medical Conduct, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299.

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

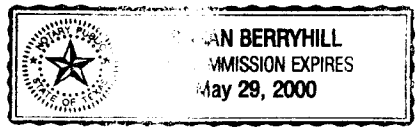
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict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

Alexander Sandor Bernath M.D.
ALEXANDER SANDOR BERNATH, M.D.
RESPONDENT

Sworn to before me this
26th day of February, 1997.
Juan Berryhill
NOTARY PUBLIC



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

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IN THE MATTER : APPLICATION
OF : FOR
ALEXANDER SANDOR BERNATH, M.D. : CONSENT
: ORDER
-----X

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

DATE: 2-25-97 Alexander Sandor Bernath
ALEXANDER SANDOR BERNATH, M.D.
Respondent

DATE: 3/6/97 Michael Alan Schwartz
MICHAEL ALAN SCHWARTZ, ESQ.
Attorney for Respondent

DATE: March 11, 1997 Cindy M. Fascia
CINDY M. FASCIA
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: March 8 1997 Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional Medical
Conduct

DATE: March 11, 1997 Charles J. Vacanti
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

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IN THE MATTER : STATEMENT
OF : OF
ALEXANDER SANDOR BERNATH, M.D. : CHARGES

-----X

ALEXANDER SANDOR BERNATH, M.D., the Respondent, was authorized to practice medicine in New York State on by the issuance of license number 136076 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

1. Respondent, on or about June 28, 1996, entered into an Agreed Order with the Texas State Board of Medical Examiners, which entered the Order on or about August 17, 1996.
2. The Texas Board, in the Agreed Order, made the following findings of fact:
 - from approximately July 21, 1992 to approximately April 4, 1995, Respondent prescribed large quantities of controlled substances, namely Valium, to an adult female patient without adequate medical indication and whom Respondent knew or should have known was abusing prescription drugs.

- from approximately January 3, 1994 to approximately February 21, 1995, Respondent prescribed large quantities of controlled substances, including Darvon, Carisoprodol, Xanax, Lorcet Plus, to an adult female, whom Respondent knew or should have known was a habitual abuser of controlled substances.
- Respondent failed to appropriately manage chronic pain patients and failed to refer chronic patients to appropriate medical specialists.

3. The Texas Board, in the Agreed Order, made the following Conclusions of Law:

- Respondent violated Section 3.08(4)(C) of the Medical Practice Act, V.A.C.S., article 4495b, based on Respondent's writing prescriptions for or dispensing to a person known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs or to a person who the physician should have known was an abuser of the narcotic drugs, controlled substances, or dangerous drugs.
- Respondent violated Section 3.08(4)(E) of the Medical Practice Act, based on Respondent's prescribing or administering a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed.
- Respondent violated Section 3.08(4)(F) of the Medical Practice Act, based on Respondent's prescribing, administering or dispensing in a manner not consistent with public health and welfare dangerous drugs as defined by Chapter 483 of the Texas Health and Safety Code, controlled substances scheduled in the Texas Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code), or controlled substances scheduled in the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C.A. Section 801 et seq.

4. The Texas Board, based on its findings of fact and conclusions of law, ordered that Respondent's Texas medical license be restricted under specific terms and conditions for three years. The specific terms and conditions placed on Respondent's license are fully set forth in the Agreed Order.

5. Respondent's conduct upon which the Texas Board's finding of improper professional practice or professional misconduct was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, including but not limited to N.Y. Education Law § 6530(3) [practicing medicine with negligence on more than one occasion] and/or N.Y. Education Law § 6530(5) [practicing medicine with incompetence on more than one occasion].

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(9)(b), by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary board 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. Petitioner charges the facts in Paragraphs 1 through 5.

DATED: *January 31*, 1997
Albany, New York



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