



*New York State Board for Professional Medical Conduct*

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

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*NYS Department of Health*  
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*NYS Department of Health*  
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*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

**PUBLIC**

July 30, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Zale P. Bernstein, M.D.  
272 Woodbridge Avenue  
Buffalo, NY 14214

RE: License No. 147613

Dear Dr. Bernstein:

Enclosed please find Order #BPMC 99-186 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 30, 1999.**

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: Mark R. Uba, Esq.  
Connors & Vilaro, LLP  
1020 Liberty Building  
420 Main Street  
Buffalo, NY 14202

Robert Bogan, Esq.

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

**IN THE MATTER  
OF  
ZALE P. BERNSTEIN, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**  
BPMC #99-186

STATE OF NEW YORK )  
COUNTY OF ERIE ) so.:

ZALE P. BERNSTEIN, M.D., (Respondent) being duly sworn, deposes and says:

That on or about September 11, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 147613 by the New York State Education Department.

My current address is 272 Woodbridge Avenue, Buffalo, NY 14214, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

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

I agree not to contest the one (1) specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 7/17/99

  
ZALE P. BERNSTEIN, M.D.  
RESPONDENT

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

DATE: 7/15/99

  
MARK R. UBA, ESQ.,

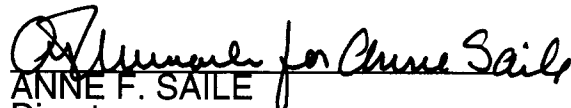
TERRENCE M. CONNORS, ESQ.  
Attorney for Respondent

DATE: 19 July 99



ROBERT BOGAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: 7/21/99

  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

**IN THE MATTER  
OF  
ZALE P. BERNSTEIN, M.D.**

**CONSENT  
ORDER**

Upon the proposed agreement of ZALE P. BERNSTEIN, M.D.  
(Respondent) for Consent Order, which application is made a part hereof, it is  
agreed to and

ORDERED, that the application and the provisions thereof are hereby  
adopted and so ORDERED, and 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 of the Consent  
Order to Respondent at the address set forth in this agreement or to  
Respondent's attorney by certified mail, or upon transmission via facsimile to  
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/22/99

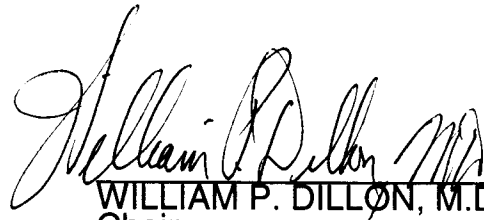
  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
ZALE PETER BERNSTEIN, M.D. : CHARGES

-----X

ZALE PETER BERNSTEIN, M.D., the Respondent, was authorized to practice medicine in New York state on September 11, 1981, by the issuance of license number 147613 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 3, 1999, in the state of New York, Supreme Court, County of Erie, Respondent entered a plea of guilty to a misdemeanor for <sup>evading a filing requirement of the NY</sup> ~~tax commission~~ in violation of section 1804(a), of the New York state tax law. ~~tax commission~~

TMC/MRU

~~Respondent was convicted of the crime of evading a filing requirement of the NY tax commission, and was sentenced to a term of imprisonment of 90 days.~~

~~Respondent was convicted of the crime of evading a filing requirement of the NY tax commission, and was sentenced to a term of imprisonment of 90 days.~~ TMC/MRU


SPECIFICATION

Respondent violated New York State Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law, in that Petitioner

charges:

1. The facts in paragraphs A.

DATED: *June 16*, 1999  
Albany, New York

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