

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y.

EXECUTIVE DIRECTOR, OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

May 12, 2000

RECEIVED
MAY 15 2000
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Lawrence Broxmeyer, Physician
148-14A 11th Avenue
Whitestone, New York 11357

Re: Application for Restoration

Dear Dr. Broxmeyer:

Enclosed please find the Commissioner's Order regarding Case No. 00-65-60 which is in reference to Calendar No. 17606. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*
Gustave Martine
Supervisor

cc: Amy T. Kulb, Esq.
Jacobson & Goldberg
585 Stewart Avenue
Garden City, New York 11530

The University of the State of New York
Education Department



IN THE MATTER

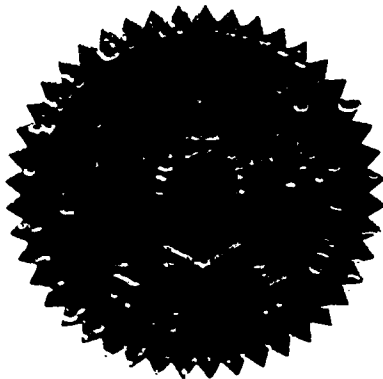
of the

Application of LAWRENCE
BROXMEYER for restoration of his
license to practice as a physician in
the State of New York.

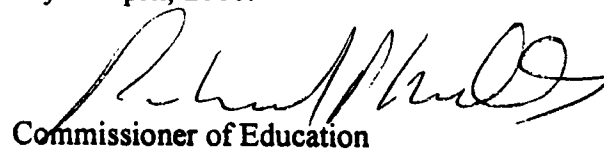
Case No. 00-65-60

It appearing that the application of LAWRENCE BROXMEYER, 148-14A 11th Avenue, Whitestone, New York 11357, to surrender his license to practice as a physician in the State of New York, was granted by the State Board for Professional Medical Conduct effective January 4, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on April 4, 2000, it is hereby

ORDERED that the petition for restoration of License No. ¹⁵¹²⁷⁹ 027388, authorizing LAWRENCE BROXMEYER to practice as a physician in the State of New York, is denied.



IN WITNESS WHEREOF, I, Richard P. Mills, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 27th day of April, 2000.


Commissioner of Education

Case No. 00-65-60

It appearing that the application of LAWRENCE BROXMEYER, 148-14A 11th Avenue, Whitestone, New York 11357 to surrender his license to practice as a physician in the State of New York, having been granted by action of the State Board for Professional Medical Conduct effective January 4, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on April 4, 2000, it was

VOTED that the petition for restoration of License No. ~~027388~~ ¹⁵¹²⁹⁹, authorizing LAWRENCE BROXMEYER to practice as a physician in the State of New York, be denied.

Case number 00-65-60

February 14, 2000

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: Lawrence Broxmeyer

Attorney: Amy Kulb

Lawrence Broxmeyer, 148-14A 11th Avenue, Whitestone, New York 11357, petitioned for restoration of his physician license. The chronology of events is as follows:

- | | |
|----------|--|
| 03/01/71 | Issued license number 027388 to practice as a pharmacist in New York State. |
| 08/20/82 | Issued license number 151279 to practice as a physician in New York State. |
| 11/21/94 | Charged with professional misconduct by Department of Health. (See "Disciplinary History.") |
| 12/07/94 | Charges of professional misconduct amended by Department of Health. |
| 12/12/94 | Submitted Application to Surrender License. |
| 12/22/94 | Application to Surrender License adopted by State Board for Professional Medical Conduct. |
| 01/04/95 | Effective date of surrender of physician license. |
| 09/20/96 | Board of Regents grants Consent Order suspending pharmacy license, last 21 months stayed, probation for 21 months and a fine of \$2,500. |
| 09/25/96 | Effective date of Consent Order. |
| 01/27/97 | Received application for restoration of physician license. |
| 05/05/99 | Peer Committee restoration review. |

- 12/15/99 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 02/14/00 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See Application to Surrender License.) On November 21, 1994, the Department of Health charged Dr. Broxmeyer with 13 specifications of professional misconduct, including practicing fraudulently, practicing with negligence on more than one occasion, ordering excessive tests and treatments, and failure to comply with substantial provisions of State Law governing the practice of medicine. The charges related to his treatment of five patients and his providing false or incomplete information on applications for employment to 10 hospitals. On December 7, 1994, the charges were amended to include another specification of professional misconduct based upon his conviction of a crime under New York State Law. On November 2, 1994, Dr. Broxmeyer pled guilty to the charge of Grand Larceny in the Third Degree, based on his submission of false Medicaid claim forms from January 1987 through June 1990. He had been charged with receiving \$85,000 to which he was not entitled. On December 12, 1994, Dr. Broxmeyer applied to surrender his physician license, admitting guilt only to the specification of professional misconduct related to his conviction of Grand Larceny. The State Board for Professional Medical Conduct adopted his application and the surrender became effective January 4, 1995.

Based on that same conviction, Dr. Broxmeyer was charged with professional misconduct in the practice of pharmacy and entered into a Consent Order, which was approved by the Board of Regents on September 20, 1996. The Consent Order stipulated that his license to practice as a pharmacist in the State of New York would be suspended for two years, that execution of the last 21 months of said suspension would be stayed, at which time he would be placed on probation for 21 months under specified terms and conditions and that he would be fined \$2,500.

Dr. Broxmeyer submitted an application for restoration of his physician license on January 27, 1997.

Recommendation of the Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Bentivegna, Kavalier, Lopez) convened on May 5, 1999. In its report dated December 15, 1999, the Committee unanimously recommended that the application for restoration be denied.

Recommendation of the Committee on the Professions. On February 14, 2000, the Committee on the Professions (Ahearn, Muñoz, Earle) met with Dr.

Broxmeyer to consider his application for restoration. Amy Kulb, his attorney, accompanied him. Ms. Kulb had sent the Committee the following additional materials prior to the meeting:

- Documentation of Dr. Broxmeyer's completion of 45 continuing medical education credits and 47 continuing education credits in pharmacy.
- A letter, dated February 3, 2000, from Paul Aronow, M.D., a psychiatrist who did a psychiatric evaluation of Dr. Broxmeyer on February 2, 2000, in which he provided a summary of his assessment.
- Documentation from the American College of Physicians indicating that Dr. Broxmeyer had received 144 continuing medical education credits for the Medical Knowledge Self-Assessment Program XI.

The Committee asked Dr. Broxmeyer to explain why he lost his license. He replied, "An insecurity, as I've learned through therapy. It caused me to do something." He said that it was also "part greed," and "also thinking you can get away with it." He told the Committee that he took money that was earmarked for the poor and that he "did a terrible thing with it." When asked for particulars, Dr. Broxmeyer said that he received approximately \$85,000 by falsely billing Medicaid for tests and procedures that he had not done between 1987 and 1990. He stated that it was fraudulent activity. He indicated that prior to the misconduct he had been practicing for a few years while working for other physicians.

When asked how the fraud was discovered, Dr. Broxmeyer reported that there was a complaint to the Queens County Medical Society about one exorbitant bill. He said the fraud was discovered after investigators were sent to his office to pose as patients. He stated that he admits the Medicaid fraud but said that the other 13 specifications of professional misconduct were not true. Dr. Broxmeyer said that as part of his rehabilitation it was important for him to understand that he "was wrong with the Medicaid fraud." He reported that he made arrangements to submit monthly payments of \$150, but indicated that he "needed some means to pay off the debt." He said that he does want to pay it off as soon as possible, but that he was in debt for \$20,000 when he made the initial arrangements. He reported that he has been working as a pharmacist and has reduced that debt to \$10,000. Dr. Broxmeyer said, "I hit rock bottom." He indicated that he had worked as a jet refueler for \$5.75 an hour and had been on welfare. He stated, "I have paid. I can't go lower than I have."

When asked about his falsification of applications, he responded, "They're not related. It's just being naïve." Dr. Broxmeyer told the Committee that a "PGY 4 year" was unusual and he just used the term "chief resident" rather than "senior resident." He said that at the time he just thought you automatically moved into a chief resident position after the third year. Regarding Southside Hospital, he said that he quit after spending two months in a family practice residency and didn't think it had to be on an internal medicine resume. Dr. Broxmeyer stated, "I didn't think it was a major thing."

When the Committee noted that he seemed to be minimizing his actions, he said that he didn't feel it was necessary to report what happened in Texas when he applied for licensure. He reported that they told him that if he withdrew his application, there would be no record; otherwise, he would have a rejection. He said, "I told them to remove the record."

Dr. Broxmeyer said that there might have been some over-utilization of tests, perhaps 15%, but most of the charges of professional misconduct were false and "written by lawyers." As an example, he reported that one of the charges indicated that his use of a throat swab for a patient with a sore throat was excessive. He asked the Committee, "What's wrong with that?" When asked why he did not contest the charges, Dr. Broxmeyer replied that he told OPMC that the charges were "garbage" and "not true," but then "I got a whole new set of charges." He told the Committee that the Medicaid fraud amount of \$85,000 was "pretty accurate."

When asked for his reactions to the Peer Committee's report, he said that he did not think he had "unrealistic expectations" regarding his medical career, as all he mentioned was that he wanted to work in a structured setting. Regarding the Peer Committee's comment that they considered his therapy to be inadequate, he said that he had had extensive therapy for a year and "came to a perfect understanding" that he did what he did and it was wrong. Dr. Broxmeyer commented that there was "obviously legalese" in the report and reiterated the stresses he was dealing with during the time of the misconduct.

Dr. Broxmeyer said that he participated in therapy for about a year. He indicated that the therapy ended when his psychiatrist said, "You're where I think you should be." He told the Committee that he recently obtained another psychiatric evaluation, which agreed with the previous assessment, and that he submitted a letter from the psychiatrist as part of the record. Dr. Broxmeyer said that he has learned that when you are a doctor, you are not like the average person and are more like a priest. He stated, "You can't deviate from what's considered right. You can't be like a child in a candy store." He indicated that at the time of the misconduct "stress was all around," that his father had kicked him out and he had moved into an apartment in an area where there were robberies every week. He explained that there was the "insecurity of not having your family around to help you." Dr. Broxmeyer reported that he was abused by his father as a child and "thrown out of the house many times." He indicated that he has now learned to live with no relationship with his father even though he has since worked for his father and his father is helping to pay his expenses. Dr. Broxmeyer told the Committee, "He's 80, and I'll just be stuck with the guilt." He said that he was "led in the wrong direction, more or less" by his office manager and girlfriend at the time, but that he has learned that "you can't do the wrong thing and get away with it. Who would want to, anyway?"

Dr. Broxmeyer said that he had been licensed in seven states and that his medical license was restored in Pennsylvania. He indicated that he never practiced in any of the other six states but applied for licensure in those states because he was told

it would be advantageous when applying for jobs. He addressed the Peer Committee's concern that he did not attempt to practice medicine in Pennsylvania by saying that he had submitted over 200 applications for employment over the last year and one-half but that without a Medicare or Medicaid number employment was difficult. When asked why he thought it would be different in New York, Dr. Broxmeyer said that he has more contacts in this State and maybe he could get a position at the hospital where he is now working as a pharmacist. Later in the meeting, he indicated that an employment agency had told him that 50,000 doctors had recently been laid off in Pennsylvania and that he would have difficulty getting a job, especially with his record.

He said that he had applied for a pharmacy license in Nevada, but that they told him he would have to do an internship and he couldn't find one. He said that he ended up working as a jet refueler. Dr. Broxmeyer indicated that he also stayed for a short time in Palm Springs, doing some work for his father who owned an RV park.

Dr. Broxmeyer said that if his license were restored, he would only work in a structured setting where he would do no billing and have the opportunity for interaction with other doctors. He said that as a recently licensed doctor, you "have a lot of power. You can bill anything." He indicated that it's like being "King of the World" or a "kid in a candy store." Dr. Broxmeyer stated, "It just happens that way." He told the Committee that he knows "many people out there" doing similar things that have not been brought to the State's attention. When asked by the Committee what he considered to be the most compelling reason for restoring his license, he replied, "I've suffered enough. I'd never do it again." Ms. Kulb summarized her reasons why she felt Dr. Broxmeyer should have his license restored.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be a clear preponderance of evidence that the misconduct will not recur and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the Committee on the Professions (COP) to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The COP believes that the Peer Committee raised legitimate concerns regarding Dr. Broxmeyer's application for restoration and presented a detailed and comprehensive analysis for its recommendation to deny his application. The COP concurs with the Peer Committee's rationale and finds that Dr. Broxmeyer did not make a compelling case to warrant restoration of his license. Rather, the COP finds that Dr. Broxmeyer continues to be self-absorbed, conveying the feeling that his only real remorse is being caught for what he did. His misconduct was deliberate and planned and demonstrated disrespect for his profession. Dr. Broxmeyer's comments relayed the message that his actions were based on greed, plain and simple; however, he was unable to explain what motivated the greed, referring vaguely to childhood problems. Similarly, although given

many invitations, he was unable or unwilling to articulate the correlation between his childhood abuse and subsequent behavior. The COP concurs with the Peer Committee that his therapy may not have been sufficient as it did not enable him to identify the root causes of his misconduct, and that, based upon observations of the applicant, those root causes linger. Without such an understanding, the COP cannot assess whether he has taken the appropriate rehabilitative steps to insure that the public would not be placed in danger again were his license restored.

Therefore, after a complete review of the record and its meeting with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee to deny Dr. Broxmeyer's application for restoration of his license to practice as a physician in the State of New York at this time.

Kathy A. Ahearn, Chair

Frank Muñoz

Steven Earle



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD OF MEDICINE

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In the Matter of the Application of

LAWRENCE BROXMEYER

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 17606

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

Lawrence Broxmeyer, hereinafter known as the applicant, was previously licensed to practice as a physician in the State of New York by the New York State Education Department. Said license was surrendered by the applicant in disposition of a professional misconduct proceeding. The applicant has applied for restoration of his license.

On May 5, 1999, this Peer Committee convened to review this matter and make the following recommendation to the Committee on the Professions and the Board of Regents.

BACKGROUND INFORMATION

The written application, supporting papers provided by the applicant and papers resulting from the investigation conducted

by the Office of Professional Discipline (OPD) have been compiled by the prosecutor from OPD into a packet that has been distributed to this Peer Committee in advance of its meeting and also provided to the applicant.

Listed below is the background information from that packet. Further details pertaining to these documents may be found therein.

PRIOR DISCIPLINE PROCEEDINGS

New York State Board for Professional Medical Conduct Action

BPMC 94-279

- December 22, 1994 - Order executed by Chairperson, State Board for Professional Misconduct, adopting the applicant's Application to Surrender License.
- December 12-13, 1994 - Application to Surrender License executed by the applicant and his counsel.
- Charge admitted to - The applicant admitted guilt to one specification of misconduct out of fourteen charged: having been convicted of a crime under New York State Law. The factual allegation upon which that specification was based is set forth below.
- January 4, 1995 - Order becomes effective.

Board of Regents Action

Calendar No. 15877

- September 20, 1996 - Board of Regents accepts the applicant's Application for Consent Order in

disposition of professional misconduct proceeding against the applicant's license to practice pharmacy in the State of New York.

- Specification of misconduct - The applicant was found guilty of committing a crime in the State of New York.
- Penalty on pharmacy license imposed - The Board ordered a two year suspension, execution of last 21 months of suspension stayed, a \$2500 fine and probation.
- September 25, 1996 - Order becomes effective.

Nature of the Misconduct

Both the medical and pharmacy professional discipline proceedings were disposed of based on the aforementioned conviction. The Medicaid fraud related to the applicant's ownership of three private medical clinics. On November 3, 1994, the applicant pled guilty to the charge of Grand Larceny in the Third Degree in violation of Section 155.35 of the Penal Code of the State of New York, based on conduct which occurred between approximately January 12, 1987 and June 29, 1990. The applicant submitted to the New York State Medical Assistance Program (Medicaid) various claim forms which falsely stated that medical care had been provided to various Medicaid patients, when in truth and in fact, as the applicant knew, such medical care had not been

provided, and this caused the State of New York to pay the applicant in excess of \$85,000 to which he was not entitled. The applicant was sentenced to five years probation, 500 hours of community service, and was ordered to pay the \$85,000 in restitution.

PETITION FOR RESTORATION

The applicant submitted a nine page sworn statement dated January 27, 1997. He described his work as a licensed pharmacist, and his subsequent medical education at the Far Eastern University in the Philippines. His goal upon graduating from medical school was to practice internal medicine, but as a forty-three year old graduate from a foreign institution, he encountered difficulties finding employment. He described meeting and becoming romantically involved with a woman who managed medical offices. Through her, he obtained employment at various clinics which served primarily Medicaid and Medicare patients. The applicant states that his girlfriend made increasing demands on him for material possessions, and involved him in more and more clinics. The petition depicts the growth of the applicant's medical practice under what he describes as the influence of this girlfriend and office manager, who pushed him to apply to hospitals for privileges. It portrays the legal problems he encountered with the Office of Professional Medical Conduct

and his subsequent conviction for Medicaid fraud. He states that he cannot blame his former girlfriend for these problems, but that greed made him lose sight of his earlier goals and responsibilities as a physician.

The applicant describes his psychiatric therapy since his revocation, explaining he has learned that being a competent and caring physician is more important than running numerous clinics and submitting huge billings. He closes his petition by depicting his continuing education and his intention to seek salaried employment if his license is restored.

ATTACHMENTS TO THE PETITION

- Chronological list of activities since graduation from professional school.
- Six affidavits in support of the restoration from colleagues and acquaintances of the applicant.
- One letter in support of the restoration.
- Letter dated January 22, 1996 from the applicant's treating psychiatrist, Dr. Marvin P. Frogel.
- Two certificates of completion for continuing medical education.

INVESTIGATION BY OPD

Subsequent to the filing of the petition, OPD conducted an investigation for the purposes of this proceeding. Information from that investigation, including

reports from the investigator and other documentation, was made part of the packet for the proceeding. Certain information in the packet has been summarized above. Among the information not already summarized is a report from the investigator dated May 28, 1998.

This report describes an interview with the applicant conducted on April 28, 1998, in a conference call from the applicant's attorney's office. The applicant was contacted in his Nevada residence. Among the information elicited during this interview was the following comments by the applicant relating to the charges in the Department of Health's disciplinary proceeding:

- The applicant did not believe he was guilty of the allegation in the Health Department's Statement of Charges that he ordered unnecessary tests (allegations A-E), stating that he was a cautious practitioner, and that at best only a small fraction of the tests were unnecessary.
- The applicant admitted that he neglected to reveal a second year residence on applications to ten hospitals (allegations F1 - F10), and stated that he realized now that he should have included this residence.
- With regard to his failure to reveal the determination not to license him by the State of

Texas in an application to the Long Island Jewish Hospital (allegation F7(a)), the applicant stated that he was told that the application would be considered withdrawn by the Texas authorities, and therefore believed he did not have to reveal that his application had been denied.

- The applicant disagreed with the allegation that he falsely claimed to be the "Chief Resident" at Wyckoff Hospital in a subsequent application to Peninsula Hospital Center in November 1987 (allegation F9(a)), stating that this was his unofficial designation, and that this designation is commonplace in hospitals.

The applicant also responded to issues raised by the Department of Health's Office of Professional Medical Conduct (OPMC), in a letter by OPMC opposing the applicant's petition.

- The applicant stated that other cited instances of failing to disclose residencies in hospital applications were not falsifications, but only mistakes.
- His failure to submit to an interview during the OPMC investigation was done on the advice of counsel.
- To the extent that he refers to actions of his former girlfriend in connection with his Medicaid

fraud, the applicant stated that he was only putting his actions in context, providing background information regarding this individual's role, but that in his petition, he in fact accepted full responsibility for his actions.

The following additional issues were discussed during the April 28th conference call.

- The applicant was the sole shareholder in the professional corporation which was involved in the fraudulent billing, and no other physicians were principals in this organization.
- He sought psychiatric treatment from Dr. Frogel, M.D., and was last treated in late 1996, believing that his therapy is completed.
- His medical licenses in California, Florida, Maryland and New Jersey have been revoked due to New York State's action, his license in Ohio is inactive, and his license in Pennsylvania is currently active after a one year actual suspension. At the time of the interview, he was looking for substantial employment in Nevada, where a family business is located.

The submission by OPD also included the letter, discussed above, from OPMC dated October 10, 1997, expressing opposition to the restoration of the applicant's medical license.

PEER COMMITTEE

On May 5, 1999, this Peer Committee met to consider this matter. The applicant appeared before us personally, and was represented by his attorney Amy Kulb, Esq. Also present was Stephen J. Lazzaro, Esq., an attorney from the Division of Prosecutions, OPD.

Ms. Kulb made an opening statement in which she highlighted the evidence of the applicant's rehabilitation and reeducation during the period since his license revocation, and explained that the applicant would be testifying as to his remorse for what occurred in the past, and his gratitude for the opportunity to have his license restored.

Mr. Lazzaro outlined for the Committee the criteria for evaluating a restoration petition, the consideration of the three "Rs": remorse, rehabilitation and reeducation. He also stated that the applicant must present such evidence that would compel the Committee to grant his application.

The applicant then testified. Under questioning by Ms. Kulb, the applicant described his employment as a pharmacist, and subsequent admission to the Far Eastern University Medical School in the Philippines. He stated that he completed his first year residency at the Brooklyn Cumberland Hospital, but left due to problems relating to his religious observance. He thereafter described a short stay at the Southside Hospital in Long Island, with a family practice, and stating that he did not care for the

responsibility of this type of practice, and left for an internal medicine program in Youngstown, Ohio. He left that program after one year due to a problem with his Sabbath observance, similar to that experienced at Brooklyn Cumberland Hospital. He then completed a third year residence at St. Clare's in New York City, and a fourth year at Wycoff Heights Hospital.

The applicant was then asked to explain his response to the charges brought against him by the OPMC to which he did not plead guilty. He stated that he was naive not to know the difference between a senior resident and a chief resident, and that personnel with the State of Texas had informed him that his application denial there would not be a matter of public record. He also attributed his failure to disclose his non-completed residencies to "carelessness," and denied intentionally lying on any application. He attributed his Medicaid fraud convictions to personal greed and the "mismanagement" of his practice by his girlfriend, who also acted as his office manager.

As to the allegation of performing unnecessary tests, the applicant expressed his belief that 75% of the tests identified in the charges were valid and that physicians can differ regarding the need for such tests. He also described for the Committee the positive aspects of his medical practice.

Under questioning by his attorney, the applicant described the therapy he underwent after his revocation, stating that he

was considered an abused child and has come to understand his ego problem. An explanation of the applicant's facial disfigurement was then provided, with the applicant stating that he underwent excessive plastic surgery, attributing this to competition with his father.

He depicted the reeducation efforts he has made, describing the courses he has taken and journals he subscribes to. He explained that, due to his conviction, his pharmacist license was suspended for three months, and he was placed on probation, but is now working as a pharmacist in Brooklyn. The applicant expressed his interest in working in a supervised setting if he was able to have his license restored.

On cross examination, Mr. Lazzaro established that the applicant was no longer undergoing therapy. Following a discussion of the charges regarding unnecessary testing, the applicant expressed his opinion that he did not think those charges were fair. There ensued a further discussion of the failure of the applicant to disclose his family practice residencies and the action of the Texas authorities in deny his license application, as well as his use of the term "chief resident."

Upon questioning by the Committee, the applicant disclosed that he is currently married, and that he does not believe that a medical practice in Pennsylvania, where he maintains a license, would be viable due to the overabundance of physicians

located in that state. He also discussed his beliefs regarding the tests he administered, and provided a further description of his medical practice before his revocation, including a specific description of the billing practice which led to the applicant's Medicaid conviction. He stated that his girlfriend accompanied him on house calls, but was unable to explain how she was able to do this and manage three offices at the same time. Under questioning by the Chairman, he discussed the difficulties he may encounter attempting to practice in New York State, if his license is restored, given his felony conviction and history.

The mother of a former patient of the applicant then testified on behalf of the applicant regarding the medical treatment provided to her son and other relatives. She provided her opinion that the applicant was a wonderful person and a very conscientious doctor.

In his closing statement, Mr. Lazzaro expressed OPD's opposition to the restoration. He stated that the applicant's prior misconduct had been due to dishonesty and negligence, but that the applicant now characterized this as carelessness and naivete, which demonstrated a lack of understanding on the part of the applicant.

Ms. Kulb, in her closing statement, emphasized the applicant's clear recognition of his wrong doing, and his sense of responsibility. She pointed out that, despite his limited means, he has been very productive, and done everything he could

to keep up with medicine. She expressed her opinion that the "three Rs" had been demonstrated by the applicant, and that he has had a difficult life and deserves a second chance.

RECOMMENDATION

After reviewing the entire record in this matter, this Peer Committee unanimously concludes that the applicant does not meet the criteria for restoration of his license.

We believe, significantly, that the applicant has not shown sufficient rehabilitation, and continues to demonstrate some of the same qualities which led to the revocation of his license to practice. Although he was not found guilty of, and never admitted to, most of the charges made by OPMC, his testimony regarding these charges reveals a flawed sense of right and wrong. A substantial discussion was held at the hearing regarding the applicant's failure to disclose, in job applications, certain incomplete residencies and a rejection of a license application by the State of Texas in job applications. Rather than forthrightly addressing what may be considered a pattern of incomplete disclosures on these applications, the applicant continued to characterize these lapses as carelessness and naivete. He also commented that he "didn't go to jail" when describing the penalty he paid for his conviction. We view this comment as reflecting a lack of seriousness regarding the felony conviction.

In addition, the applicant continues to demonstrate

unrealistic expectations in relation to his medical career, which indicates to us a flaw in his attempts at rehabilitation. He is unrealistic in his belief that a medical career in New York will be available, following a restoration. While he asserts that work in Pennsylvania is not an option due to the market for physicians there, we fail to understand why he has not at least attempted to find employment in Pennsylvania, given a professed interest in resuming a medical career. This path could have assisted his reeducation efforts, which, as discussed below, have been inadequate. He is unrealistic in his expressed belief that he could "practice today, " when he has undergone so little continuing medical education since his license revocation. These unrealistic beliefs do not significantly differ from those which led to the revocation in the first place, and are indicative of a lack of rehabilitation.

We are also unconvinced that his efforts at therapy have been sufficient. The most recent letter from his therapist was dated January 22, 1996, and indicates that his "extensive" psychiatric treatment is ongoing. However, in testimony the applicant indicated that he is no longer seeing this physician, stating that he has no recent need to seek his professional assistance. Without more a more recent statement from his therapist, this claim is not supported on the record. Our view is that his therapy has been inadequate.

While the applicant has professed remorse in his testimony,

we see examples of a lack of credibility and good judgement which places his expressions of remorse in doubt. He stated, for instance, that he was required to be on call seven days per week during his residence in Ohio, yet later hedged in this statement on questioning, and attributed the confusion to "semantics." He also stated that his girlfriend managed the medical clinics and yet always accompanied him on the house calls he made, yet was unable to provide an answer when a question was raised as to how this was possible. Generally, we also find his expressed conflicts between his duties as a resident and his religious observance at two different institutions hard to believe. It is not plausible to us that such conflicts could not reasonably be resolved over this issue at two different institutions. The applicant's response was not satisfactory when questioned regarding his comment that he was required to be on call seven days per week at one of these institutions. Similarly, his description of a medical practice which involved three clinics, privileges at seven hospitals and the time to make house calls is not entirely believable.

Given these statements, and his defensive attitude regarding the balance of the OPMC charges, his statement of remorse and admission of greed as to the Medicaid fraud conviction appears contrived, and does not convince us that restoration would be appropriate.

Lastly, we briefly turn to the applicant's efforts at reeducation. The record shows one hundred and fifty hours shortly after his license surrender, but no efforts until shortly prior to the instant hearing. The courses he has taken are in the nature of correspondence course which do not permit interaction with peers, and the amount of continued medical education undertaken does not equal that required of a licensed physician to maintain registration. These efforts are not adequate and do not support restoration.

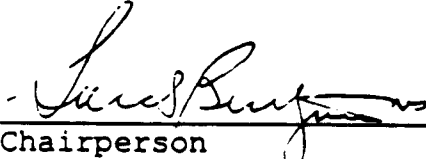
Based upon the reasons stated above, it is the unanimous recommendation of this Peer Committee that the application before us be denied.

Respectfully submitted,

Saverio S. Bentivegna, M.D.
Chairperson,

Florence Kavalier, M.D.

Rafael Lopez, M.D.


Chairperson 12/15/99
Dated

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

IN THE MATTER :
OF : APPLICATION TO
LAWRENCE BROXMEYER, M.D. : SURRENDER
: LICENSE
:-----

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

LAWRENCE BROXMEYER, M.D., being duly sworn, deposes and
says:

On or about August 20, 1982, I was licensed to practice as
a physician in the State of New York having been issued License
No. 151279 by the New York State Education Department.

I am registered with the New York State Education
Department to practice as a physician in the State of New York
for the period beginning on January 1, 1995, and ending on
October 31, 1996. My registration address is 1st Floor, 13-26
Robin Lane, Bayside, New York 11360.

I understand that I have been charged with fourteen (14)
specifications of professional misconduct as set forth in the
Statement of Charges and the Amendment to Statement of Charges,

annexed hereto, made a part hereof, and marked as Exhibits "A" and "A-1", respectively.

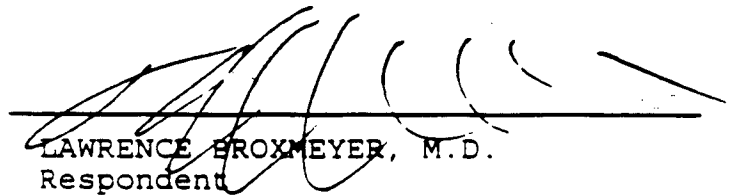
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the fourteenth (14th) specification of professional misconduct set forth in the Amendment to Statement of Charges (Exhibit A-1).

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

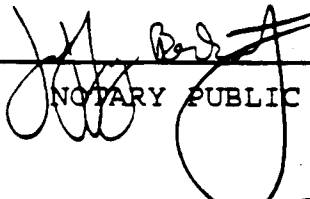
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against 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 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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


LAWRENCE BROXMEYER, M.D.
Respondent

Sworn to before me this
12th day of December, 1994


NOTARY PUBLIC

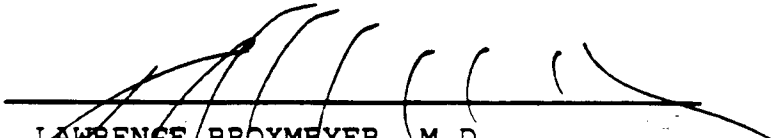
JEFFREY BERKOWITZ
Notary Public, State of New York
No. 31-5013219
Qualified in New York County 95
Commission Expires July 15, 1995

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

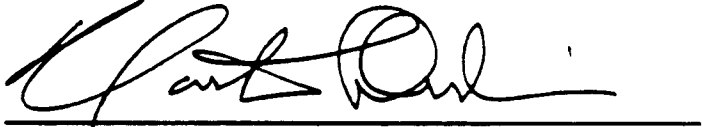
IN THE MATTER : APPLICATION TO
OF : SURRENDER
LAWRENCE BROXMEYER, M.D. : LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.


Date: 12.12, 1994


LAWRENCE BROXMEYER, M.D.
Respondent

Date: 12/13, 1994


NATHAN L. DEMBIN, ESQ.
Attorney for Respondent

Date: Dec, 1994


ANN HRONCICH
Associate Counsel
Bureau of Professional
Medical Conduct

LAWRENCE BROXMEYER, M.D.

Date: dec. 20, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 22 December 1994

Charles J. Vacanti

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

