



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.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

June 21, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Olivera Bedic, M.D.
32-79 30th Street
Apt. 3D
Long Island City, NY 11106

Re: License No. 153682

Dear Dr. Bedic:

Enclosed please find Order #BPMC 04-132 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 28, 2004.

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 the 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: Arnold Pedowitz, Esq.
1501 Broadway - Suite 800
New York, NY 10036

IN THE MATTER
OF
OLIVERA BEDIC, M.D.

CONSENT
AND
SURRENDER
ORDER

BPMC No. 04-132

Upon the application of (Respondent) OLIVERA BEDIC, M.D. in the attached Consent and Surrender Agreement and Order, which is made a part of this Consent and Surrender Order, it is

ORDERED, that the Consent and Surrender Agreement, and its terms, are adopted and


SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent and Surrender Order, either by first class mail to Respondent at the address in the attached Consent and Surrender Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 6/19/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
OLIVERA BEDIC, M.D.

CONSENT AND
SURRENDER
AGREEMENT
AND
ORDER

OLIVERA BEDIC, M.D., representing that all of the following statements are true, deposes and says:

That on or about March 25, 1983, I was licensed to practice as a physician in the State of New York, and issued License No. 153682 by the New York State Education Department.

My current address is: 32-79 30th Street, Apt. 3D, Long Island City, NY 11106, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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, marked as Exhibit "A", is attached to and part of this Consent and Surrender Agreement.

I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation from the effective date of this Order through June 30, 2004, subject to the terms set forth in attached Exhibit "B". On June 30, 2004, I shall surrender my license to practice medicine in New York, subject to the terms set forth in attached Exhibit "C."

I further agree that the Consent and Surrender Order shall impose the following conditions:

That Respondent shall maintain active registration of her license with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent and Surrender Order's effective date and will apply during all periods in which Respondent is licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent and Surrender Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent and Surrender Agreement and Order **shall** be admitted into evidence in that proceeding.


I ask the Board to adopt this Consent and Surrender Agreement.

I understand that if the Board does not adopt this Consent and Surrender Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent and Surrender Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent and Surrender Agreement, the Chair of the Board shall issue a Consent and Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent and Surrender Order by first class mail to me at the address in this Consent and Surrender Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

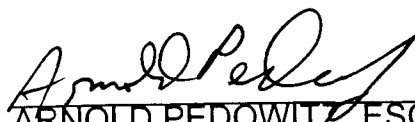
I ask the Board to adopt this Consent and Surrender Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent and Surrender Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent and Surrender Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent and Surrender Order, and ask that the Board adopt this Consent and Surrender Agreement.

DATED MAY 18, 2004


OLIVERA BEDIC, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent and Surrender Agreement and to its proposed penalty, terms and conditions.

DATE: 5/18/04


ARNOLD PEDOWITZ, ESQ.
Attorney for Respondent

DATE: June 2, 2004


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: June 16, 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
OLIVERA BEDIC, M.D.**

**STATEMENT
OF
CHARGES**

OLIVERA BEDIC, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 25, 1983, by the issuance of license number 153682 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During the period from in or about 2000 through in or about January 2003, Respondent inappropriately prescribed testosterone and/or human growth hormone for patients, including Patients A and B, without appropriate evaluation or indication. Respondent, who never saw or treated the patients, issued these prescriptions based solely on information from patient questionnaires that were faxed to her by out-of-state Internet pharmacy companies.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. Paragraph A.

DATED:

June 2
March , 2004
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain active registration of her license with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent and Surrender Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent is explicitly prohibited from prescribing, dispensing, or administering anabolic steroids, as defined in 21 CFR 1300.01(a)(4).
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

EXHIBIT "C"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING THE SURRENDER OF RESPONDENT'S MEDICAL LICENSE

1. Respondent shall cease and desist the practice of medicine in compliance with the terms of the Consent and Surrender Order. Upon the surrender of her license, Respondent shall not represent herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within fifteen (15) days of the surrender of her license, Respondent shall notify all patients that she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty (30) days of the surrender of her license, Respondent shall have her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the surrender of her license, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within fifteen (15) days of the surrender of her license, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within fifteen (15) days of the surrender of her license, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at her practice location, Respondent shall dispose of all medications.
7. Within fifteen (15) days of the surrender of her license, Respondent shall remove from the public domain any representation that Respondent is eligible

to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by herself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the surrender of her license.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine, Respondent shall, within ninety (90) days of the surrender of her license, divest herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.