



New York State Board for Professional Medical Conduct

Coming Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

August 13, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eleanor Lipovsky, M.D.
2979 Ocean Parkway
Brooklyn, New York 11235

RE: License No. 163007

Dear Dr. Lipovsky:

Effective Date: 08/20/96

Enclosed please find Order #BPMC 96-186 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,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Alan Trachtman, Esq.
Meissner, Kleinberg & Finkel
275 Madison Avenue
New York, New York 10016

David Smith, Esq.

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

IN THE MATTER
OF
ELEANOR LIPOVSKY, M.D.

CONSENT
ORDER
BPMC #96-186

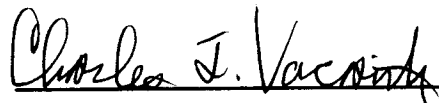
Upon the application of ELEANOR LIPOVSKY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 13 August 1996



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

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

IN THE MATTER
OF
ELEANOR LIPOVSKY, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

ELEANOR LIPOVSKY, M.D., being duly sworn, deposes and says:

That on or about July 1, 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 163007 by the New York State Education Department.

My current address is *2979 Ocean Parkway E. L.*
~~2951 Ocean Avenue~~, Brooklyn, New York 11235,
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 specification 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 such Specification in full satisfaction of the charges against me.

I hereby agree to the following penalty:

1. My license to practice medicine shall be suspended for a period of five (5) years, such suspension to be stayed.
2. I shall be placed on probation for a period of five (5) years in accordance with the Terms of Probation attached hereto as Exhibit "B".
3. I shall be ordered to perform 250 hours of public service in a manner and at a time and place as directed by the Board and as more fully set forth in the Terms of Probation attached hereto as Exhibit "B".

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. 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.


ELEANOR LIPOVSKY, M.D.
RESPONDENT

Sworn to before me this

7th day of August 1996

NOTARY PUBLIC

ALAN C. TRACHTMAN
Notary Public, State of New York
No. 24-480068
Qualified in Kings County
Commission Expires

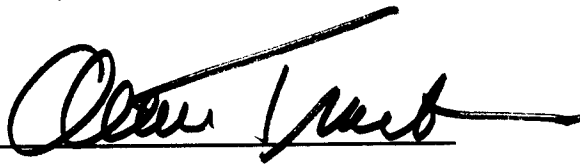
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

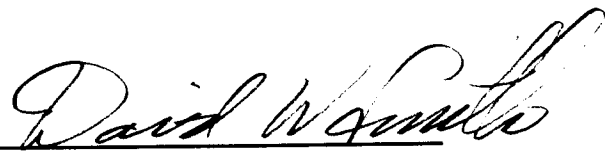
IN THE MATTER
OF
ELEANOR LIPOVSKY, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE: 8/7/96 
ELEANOR LIPOVSKY, M.D.
Respondent

DATE: August 7, 1996 
ALAN TRACHTMAN, ESQ.
Attorney for Respondent

DATE: August 9, 1996 
DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Aug 13 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 13 August 1996

Charles J. Vacanti

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

EXHIBIT "A"

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

IN THE MATTER
OF
ELEANOR LIPOVSKY, M.D.

STATEMENT
OF
CHARGES

ELEANOR LIPOVSKY, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1985, by the issuance of license number 163007 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 21, 1993, Respondent pleaded guilty in the New York Supreme Court, County of New York to violating §115 of the New York Penal Code (Criminal Facilitation in the Fourth Degree), a Class "A" misdemeanor. She wrote notes for patients falsely stating that they were disabled and thereby enabling them to obtain half fare discounts on all transportation for all subway and rail lines operated by the Metropolitan Transportation Authority. Respondent was sentenced to a one (1) year Conditional Discharge and 25 hours of community service at a nursing home in Brooklyn .

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION IN NEW YORK STATE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i)(McKinney Supp. 1995) by having been convicted of committing an act constituting a crime under New York state law, as alleged in the following:

1. The facts in Paragraph A.

DATED: November , 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ELEANOR LIPOVSKY, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her 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, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

7. During the period of probation, Respondent shall perform 250 hours of community service at a facility approved by OPMC. Respondent shall perform 50 hours of such community service during each year of the period of Probation. The service must be medical in nature and delivered in a facility equipped to provide medical services and serving a needy or medically underserved population. A written proposal for such service must be submitted by Respondent within ten (10) days from receipt of the Order herein and must be approved in writing by the Director of OPMC. Community service performed prior to such approval will not be credited as compliance with this probation.
8. Respondent shall cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of his/her compliance with the terms of this probation. If requested, Respondent shall meet with OPMC at the discretion of the Director, to discuss such compliance.
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
10. The period of probation shall commensurate with the period of stayed suspension and shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.