

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

**IN THE MATTER  
OF  
STEVEN J. BIER, M.D.  
AND  
STEVEN BIER, M.D., P.C.  
AND  
L. MARIO DIBLASIO, M.D.  
AND  
MARIO DIBLASIO, M.D., P.C.**

**COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING**

TO: Steven J. Bier, M.D.  
Suite 329  
2488 Grand Concourse  
Bronx, NY 10458

Steven J. Bier, M.D.  
Stephen Bier, M.D., P.C.  
Suite 329  
2488 Grand Concourse  
Bronx, NY 10458

L. Mario DiBlasio, M.D.  
385 McLean Avenue  
Suite 12-G  
Yonkers, NY 10705

L. Mario DiBlasio, M.D.  
Mario DiBlasio, M.D., P.C.  
385 McLean Avenue  
Suite 12-G  
Yonkers, NY 10705

The undersigned, Antonia C. Novello, M.D., M.P.H.,  
Commissioner of the New York State Department of Health, after an  
investigation, upon the recommendation of a committee on  
professional medical conduct of the State Board for Professional  
Medical Conduct, and upon the Statement of Charges attached  
hereto and made a part hereof, has determined that the continued

practice of medicine in the State of New York by Steven J. Bier, M.D., and Steven Bier, P.C., L. Mario DiBlasio, M.D., and Mario DiBlasio, M.D., P.C., the Respondents, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12), that effective immediately, the Respondents shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 8th day of June, 2000 at the Office of Professional Medical Conduct, 433 River Street, Hedley Park Plaza, 5th Floor, Troy, NY 12180 at 10:00 am and at such other adjourned dates, times and places as the committee may direct. The Respondents may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondents shall appear in person at the hearing and may be represented by counsel. The Respondents have the right to produce witnesses and evidence on their behalf, to issue or have

subpoenas issued on their behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against them. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.


The hearing will proceed whether or not the Respondents appear at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, Hedley Park Place, 5th Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO PRACTICE

MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW  
YORK PUBLIC HEALTH LAW SECTION 230-a. YOU  
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: Albany, New York  
May 25, 2000

  
ANTONIA C. NOVELLO, M.D., M.P.H.  
Commissioner

Inquiries should be directed to:

Richard J. Zahnleuter  
Associate Counsel  
NYS Department of Health  
Office of Professional  
Medical Conduct  
Hedley Park Place  
433 River Street  
Troy, NY 12180  
(518) 402-0747

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**IN THE MATTER  
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STEVEN J. BIER, M.D.  
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L. MARIO DiBLASIO, M.D.  
AND  
MARIO DiBLASIO, M.D., P.C.**

**STATEMENT  
OF  
CHARGES**

STEVEN J. BIER, M.D., the Respondent, was authorized to practice medicine in New York State on July 8, 1985 by the issuance of license number 163102 by the New York State Education Department. Dr. Bier's current business address, upon information and belief, is Suite 329, 2488 Grand Concourse, Bronx, NY 10458.

STEVEN J. BIER, M.D., is subject to the jurisdiction of the State Board for Professional Medical Conduct, pursuant to the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law.

STEVEN BIER, M.D., P.C., also a Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about September 24, 1987 by the New York State Department of State.

STEVEN BIER, M.D., P.C., is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

**L. MARIO DiBLASIO, M.D., the Respondent, was authorized to practice**

medicine in New York State on October 7, 1977 by the issuance of license number 132740 by the New York State Education Department. Dr. DiBlasio's current business address, upon information and belief, is 385 McLean Avenue, Suite 12-G, Yonkers, NY 10705.

L. MARIO DiBLASIO, M.D., is subject to the jurisdiction of the State Board for Professional Medical Conduct, pursuant to the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law.

MARIO DiBLASIO, M.D., P.C., also a Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about April 7, 1999, by the New York State Department of State.

MARIO DiBLASIO, M.D., P.C., is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the prehearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.

### **ALLEGATIONS**

A. A professional service corporation may be organized by one or more individuals who are authorized by law to render the same professional service, pursuant to Section 1503(a) of the New York Business Corporation Law.

B. No professional service corporation may render professional services except through individuals authorized by law to render such professional services, pursuant to Section 1504(a) of the New York Business Corporation Law.

C. No individual may be a shareholder, director or officer of a professional service corporation unless that individual is authorized by law to practice the same profession as the professional service corporation, pursuant to Sections 1507 and 1508 of the New York Business Corporation Law.

D. The individuals who are the original shareholders, directors and officers of

a professional service corporation must be identified by name and address on the certificate of incorporation of the professional service corporation, and the certificate of incorporation must identify the profession to be practiced by the professional service corporation, pursuant to Section 1503(b)(i) of the New York Business Corporation Law.

E. Each shareholder, employee, or agent of a professional service corporation is "personally and fully liable and accountable for any negligent or wrongful act or misconduct committed by him or by any person under his direct supervision and control while rendering professional services" on behalf of a professional service corporation, pursuant to Section 1505(a) of the New York Business Corporation Law.

F. Each "report, diagnosis, prognosis, and prescription made or issued" by a corporation practicing medicine "shall bear the signature of one or more physicians ... who are in responsible charge of such report, diagnosis, prognosis or prescription," pursuant to Section 1504(c) of the Business Corporation Law.

G. On or about September 24, 1987, a certificate of incorporation for Steven Bier, M.D., P.C., a professional service corporation organized to practice medicine in compliance with Section 1503(a) of the New York Business Corporation Law, was filed with the New York State Department of State.

H. Steven J. Bier, M.D., was the physician who, in compliance with Sections 1503(a) and 1504(a) of the New York Business Corporation Law, was the original shareholder, director and officer of Steven Bier, M.D., P.C.

I. Steven J. Bier, M.D., remains an owner of Steven Bier, M.D., P.C., but pursuant to Sections 1503(a) and 1504(a) of the New York Business Corporation Law, Steven Bier, M.D., P.C., may only continue to render professional services for as long as Dr. Bier is licensed to render such professional services.

J. On or about April 7, 1999, a certificate of incorporation for Mario DiBlasio, M.D., P.C., a professional service corporation organized to practice medicine in compliance with Section 1503(a) of the New York Business Corporation Law, was filed with the New York State Department of State.

K. L. Mario DiBlasio, M.D., was the physician who, in compliance with Sections 1503(a) and 1504(a) of the New York Business Corporation Law, was the original shareholder, director and officer of Mario DiBlasio, M.D., P.C.

L. L. Mario DiBlasio, M.D., remains an owner of Mario DiBlasio, M.D., P.C., but pursuant to Sections 1503(a) and 1504(a) of the New York Business Corporation Law, Mario DiBlasio, M.D., P.C., may only continue to render professional services for as long as Dr. DiBlasio is licensed to render such professional services.

M. On or about June 18, 1996, and again on or about October 9, 1996, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., entered into an agreement, captioned "Provider's Memo of Understanding," with the Bronx Breast Health Partnership.

N. The Bronx Breast Health Partnership, also known as the Bronx Healthy Women Partnership, is a community based coalition that coordinates the services of the National and New York State Breast and Cervical Cancer Early Detection Program.

O. Through the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., became a "Provider Member" or "Partner" in the Bronx Breast Health Partnership.

P. As a Provider Member or Partner, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., expressly agreed, pursuant to paragraph 1 of the Provider's Memo of Understanding, to treat the women who the Bronx Breast Health Partnership serves "with respect and dignity in a caring and compassionate manner, in addition to professionally and efficiently."

Q. Also pursuant to paragraph 1 of the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed to comply with patient eligibility rules set forth in the New York State Breast and Cervical Cancer Screening Program Data Manual.

R. The Data Manual and Section EC-1 of the New York State Breast and Cervical Cancer Operations Manual established the minimum age requirement of 40-50



for 25% of all eligible women, and a higher age requirement of 50+ for 75% of all eligible women.

S. The Data Manual and Section PS-2 of the New York State Breast and Cervical Cancer Operations Manual also established the requirement that eligible women not be billed themselves for services rendered to them through the Partnership.

T. As a Provider Member or Partner, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., expressly agreed, pursuant to paragraph 2 of the Provider's Memo of Understanding, to provide to eligible women three types of breast cancer screening services.

U. Pursuant to paragraph 2 of the Provider's Memo of Understanding, the services were to be "provided together" and consisted, among other things, of the following:

1. "Clinical Breast Exam;"
2. "Self Breast Exam Education;"
3. "Screening Mammogram;"
4. "Diagnostic Mammogram."

V. Pursuant to Section CG-4 of the New York State Breast and Cervical Cancer Operations Manual, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed to perform all of the 8 specified components of an "adequate clinical breast examination."

W. Pursuant to Section CG-3 of the New York State Breast and Cervical Cancer Operations Manual, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed to follow all of the American Cancer Society's "content guidelines" for "Self Breast Exam Education."

X. Pursuant to Section CG-5 of the New York State Breast and Cervical Cancer Operations Manual, concerning mammography, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed that mammography services would meet the standards set forth in the Federal Mammography Quality Standards Act as

administered by the FDA.

Y. Upon information and belief, the Respondent Steven Bier, M.D., P.C., is a certified mammography facility accredited by the American College of Radiology, is authorized to perform mammography examinations through June 29, 2000 under the Federal Mammography Quality Standards Act, and all of the Respondents must comply with the requirements of the Federal Mammography Quality Standards Act as set forth in 21 CFR Part 900 and elsewhere.

Z. Pursuant to paragraphs 5, 6, and 8 of the Provider's Memo of Understanding, "to begin the reimbursement process," the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed to submit to the Bronx Breast Health Partnership a "Screening Intake Form" and a "Follow Up Form" for each eligible patient in accordance with the Data Manual.

AA. Pursuant to paragraph 2 of the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., agreed "to accept the current allowable reimbursement as established by the New York State Department of Health."

BB. On or about March 18, 1998, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., reiterated their commitment to participate in the Bronx Breast Health Partnership.

CC. On or about June 11, 1998, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., hired the Respondent L. Mario DiBlasio, M.D., to provide radiology services.

DD. The Respondent L. Mario DiBlasio, M.D., provided radiology services to the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., until on or about April 22, 1999.

EE. On or about April 22, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., hired the Respondent L. Mario DiBlasio, M.D., through the Respondent Mario DiBlasio, M.D., P.C., to provide radiology services.

FF. The Respondent L. Mario DiBlasio, M.D., through the Respondent Mario DiBlasio, M.D., P.C., has provided radiology services to the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., from on or about April 22, 1999 through the present.

GG. On or about June 18, 1999, the New York State Department of Health entered into a renewal agreement with J.L.J. Consulting Group, Ltd., to facilitate the reimbursement process during the period April 1, 1999 through March 31, 2000.

HH. Pursuant to this contract with J.L.J. Consulting Group, Ltd., the allowable reimbursement established by the New York State Department of Health for the Respondents is \$30.00 for "Assessment, education and clinical breast examination," \$63.00 for "Screening mammogram," and \$63.00 for "Diagnostic mammogram."

II. Upon information and belief, in contravention of the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for providing breast cancer screening services to women who were not eligible.

JJ. Upon information and belief, in contravention of the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., did not perform "Clinical Breast Exams, or, alternatively, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., did not provide adequate Clinical Breast Exams, but the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership as though adequate Clinical Breast Exams had been performed, as illustrated by, among other things, the following:

1. The rate of abnormal Clinical Breast Exams reported by the Respondents to the Bronx Breast Health Partnership was 0.100% whereas the rate of abnormal Clinical Breast Exams reported by all other providers in New York State to the Partnership was 2.380%.

2. The rate of breast cancer cases detected by the Respondents and reported to the Bronx Breast Health Partnership was 0.125%

whereas the rate of breast cancer cases detected by all other providers in New York State and reported to the Bronx Breast Health Partnership was 0.515%.

3. Of 50 randomly selected women screened by the Respondents in 1999 through the Bronx Breast Health Partnership, 28 of the 31 interviews conducted revealed that the women had not received Clinical Breast Exams during their mammogram appointment with the Respondents.

KK. Upon information and belief, in contravention of the Provider's Memo of Understanding, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., did not provide Self Breast Exam Education, or, alternatively, did not provide adequate Self Breast Exam Education, but the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership as though adequate Self Breast Exam Education had been given.

LL. Upon information and belief, in contravention of the Provider's Memo of Understanding, all of the Respondents did not provide Screening or Diagnostic Mammograms, or, alternatively, did not provide adequate Screening or Diagnostic Mammograms, but the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership as though adequate Screening or Diagnostic Mammograms had been given.

MM. Upon information and belief, as a result, all of the Respondents allowed eligible women to pass through the screening process and to receive "normal" "breast findings" or "negative" "mammogram results" without adequately determining whether these women had abnormalities, breast cancer or other conditions, thereby constituting "an imminent danger to the health of the people."

NN. Upon information and belief, on or about May 3, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for a Clinical Breast Exam and Self Breast Exam Education provided to PATIENT A on or about May 3, 1999, even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams and no Self

**Breast Exam Education to Patient A.**

OO. Specifically, upon information and belief, on or about July 13, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for a Clinical Breast Exam and Self Breast Exam Education provided to PATIENT B on or about July 13, 1999, even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams and no Self Breast Exam Education to Patient B.

PP. Upon information and belief, on or about July 16, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for a Clinical Breast Exam provided to PATIENT C on or about July 16, 1999, even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams to Patient C.

QQ. Upon information and belief, on or about August 3, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., falsified the date of birth of PATIENT D to meet the 75% age 50+ eligibility criteria and billed both PATIENT D herself and the Bronx Breast Health Partnership for Clinical Breast Exams, Self Breast Exam Education, Screening Mammograms and/or other services provided to PATIENT D on or about August 3, 1999, even though Patient D did not meet any age eligibility criteria and even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams and no Self Breast Exam Education to Patient D.

RR. Upon information and belief, on or about September 16, 1999, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for a Clinical Breast Exam and Self Breast Exam Education provided to PATIENT E on or about September 16, 1999, even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams and no Self Breast Exam Education to Patient E.

SS. Upon information and belief, on or about October 28, 1999, the

Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., billed the Bronx Breast Health Partnership for a Clinical Breast Exam and Self Breast Exam Education provided to PATIENT F on or about October 28, 1999, even though the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., provided no Clinical Breast Exams and no Self Breast Exam Education to Patient F.

TT. Upon information and belief, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., vicariously through the Respondents L. Mario DiBlasio, M.D., and Mario DiBlasio, M.D., P.C., provided radiology services to Patients A through GG.

UU. The radiology services of all of the Respondents, singularly and with respect to the pattern presented by Patients A and C through JJ, failed to meet acceptable standards of medical care in that, despite the following deficiencies, among others, the Respondents interpreted mammograms and reported results without any documentation or evidence of repeating mammograms, or attempting to repeat mammograms, in an effort to raise quality above minimum professional standards, as illustrated in particular by inadequacies involving the following Patients:

1. N - inadequate compression, inadequate collimation, fogging and artifacts, and other deficiencies.
2. O - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, inappropriate diagnostic report, and other deficiencies.
3. P - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, inadequate compression, inadequate collimation, patient motion, and other deficiencies.
4. Q - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, artifacts, inappropriate diagnostic report, and other deficiencies.
5. D - inadequate exposure, inadequate collimation, inappropriate diagnostic report, inappropriately scrutinized spiculated density, and other

deficiencies.

6. M - inadequate positioning of breasts resulting in inadequate visualization, artifacts and processor marks, and other deficiencies.

7. R - inadequate markers, inadequate positioning of breasts resulting in inadequate visualization, inappropriate diagnostic report, inappropriate studies, and other deficiencies.

8. T - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, inappropriate diagnostic report, inappropriate studies, and other deficiencies.

9. F - inadequate labeling, inadequate consideration and technique concerning implants, and other deficiencies.

10. GG - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, inadequate compression, patient motion, inappropriate diagnostic report, and other deficiencies.

11. HH - inadequate labeling, inadequate positioning of breasts resulting in inadequate visualization, inappropriate diagnostic report, and other deficiencies.

VV. Upon information and belief, the Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., have been paid by the Bronx Breast Health Partnership for the aforementioned services provided to Patients A through JJ, and have been paid in addition by Patient D for the aforementioned services provided to Patient D.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., are charged with **PRACTICING THE PROFESSION FRAUDULENTLY OR BEYOND ITS AUTHORIZED SCOPE**, in violation of New York Education Law §6530(2) in that Petitioner charges:

1. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

### **SECOND SPECIFICATION**

All of the Respondents are charged with professional misconduct by reason of **PRACTICING THE PROFESSION WITH NEGLIGENCE ON MORE THAN ONE OCCASION**, in violation of New York Education Law §6530(3) in that Petitioner charges:

2. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

### **THIRD SPECIFICATION**

All of the Respondents are charged with professional misconduct by reason of **PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE ON A PARTICULAR OCCASION**, in violation of New York Education Law §6530(4) in that Petitioner charges:

3. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.



#### **FOURTH SPECIFICATION**

All of the Respondents are charged with professional misconduct by reason of **PRACTICING THE PROFESSION WITH INCOMPETENCE ON MORE THAN ONE OCCASION**, in violation of New York Education Law §6530(5) in that Petitioner charges:

4. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

#### **FIFTH SPECIFICATION**

All of the Respondents are charged with professional misconduct by reason of **PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE**, in violation of New York Education Law §6530(6) in that Petitioner charges:

5. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

#### **SIXTH SPECIFICATION**

All of the Respondents are charged with **CONDUCT IN THE PRACTICE OF MEDICINE WHICH EVIDENCES MORAL UNFITNESS TO PRACTICE MEDICINE**, in

violation of New York Education Law §6530(20) in that Petitioner charges:

6. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

### **SEVENTH SPECIFICATION**

Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., are charged with **WILLFULLY MAKING OR FILING A FALSE REPORT**, in violation of New York Education Law §6530(21) in that Petitioner charges:

7. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3), KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6), UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

### **EIGHTH SPECIFICATION**

The Respondents Steven J. Bier, M.D., and Steven Bier, M.D., P.C., are charged with professional misconduct by reason of **FAILING TO MAINTAIN A RECORD FOR EACH PATIENT WHICH ACCURATELY REFLECTS THE EVALUATION AND TREATMENT OF THE PATIENT**, in violation of New York Education Law §6530(32) in that Petitioner charges:

8. The allegations in paragraphs A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ(1), JJ(2), JJ(3),

KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU(1), UU(2), UU(3), UU(4), UU(5), UU(6),  
UU(7), UU(8), UU(9), UU(10), UU(11), and/or VV.

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