



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.
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NYS Department of Health*

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

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Denise M. Bolan, R.P.A.
Vice Chair

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

April 19, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harry A. Hirsch, M.D.
534 Oakhurst Avenue
Bluefield, WV 24701

RE: License No. 178662

Dear Dr. Hirsch:

Enclosed please find Order #BPMC 02-120 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 24, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
HARRY A. HIRSCH, M.D.
CO-01-12-6163-A

CONSENT AGREEMENT
AND ORDER

BPMC No. 02-120

HARRY A. HIRSCH, M.D., (Respondent) states:

That on or about July 3, 1989, I was licensed to practice as a physician in the State of New York, having been issued License No. 178662 by the New York State Education Department.

My current address is 534 Oakhurst Avenue, Bluefield, WV 24701, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

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

I do not contest the two (2) specifications, in full satisfaction of the charges against me. I, hereby, agree to the following penalty:

Indefinite suspension of my New York state license to practice medicine for at least one (1) year and until my license to practice medicine in the State of West Virginia is fully restored without conditions. One year after the effective date of this order, I may petition the Director of the Office of

Professional Medical Conduct for a Modification Order, staying the suspension and permitting me to practice as a physician under whatever limitation(s), terms(s) of probation, or further conditions the Director, in his reasonable discretion, may impose.

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

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

That I shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my license.

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

I agree that in the event I am charged with professional misconduct in the future, this

agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.


I agree that, in the event the Board grants my application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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

AFFIRMED

DATED


4/8/02


HARRY A. HIRSCH, M.D.
Respondent
The Mayo
Drawer H
Maybeury WV 24861

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

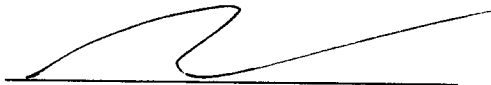
DATE:

15 April 2002


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

22 April 2002


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
HARRY A. HIRSCH, M.D.
CO-01-12-6163-A

STATEMENT
OF
CHARGES

HARRY A. HIRSCH, M.D., the Respondent, was authorized to practice medicine in New York state on July 3, 1989, by the issuance of license number 178662 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 9, 2001, the West Virginia Board of Medicine (hereinafter "West Virginia Board"), by an Order (hereinafter "West Virginia Order"), placed Respondent's West Virginia license to practice medicine and surgery in a probationary status for three (3) years, required him to be supervised in his medical practice, attend and successfully complete a pharmacological course, subscribe to and read all articles in ACP Journal Club, successfully complete a medical records course, and limit his practice to no more than fifty-five (55) patients per day, based on making deceptive, untrue, and false representations and failure to perform a legal obligation, failure to keep written records justifying the course of treatment, and failure to practice medicine with that level of care, skill, and treatment as being acceptable under similar circumstances and conditions.

B. The conduct resulting in the West Virginia Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations, governing the practice of medicine);

4. New York Education Law §6530(20) (moral unfitness);
 5. New York Education Law §6530(21) (willfully making or filing a false report);
- and/or
6. New York Education Law §6530(32) (failure to keep accurate records).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(b), by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *March 28*, 2002
Albany, New York



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

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

IN THE MATTER
OF
HARRY A. HIRSCH, M.D.

CONSENT ORDER


Upon the proposed agreement of **HARRY A. HIRSCH, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; and it is further

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

SO ORDERED.

DATED: 7-23-02


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