



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

February 2, 2001

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Virginia Martinez, M.D.  
1131 123<sup>rd</sup> Street  
College Point, New York 11356

William L. Wood, Esq.  
Wood & Scher  
14 Harwood Court  
Scarsdale, New York 10583

Paul Rober Maher, Esq.  
NYS Department of Health  
Hedley Park Place – 4<sup>th</sup> Floor  
433 River Street  
Troy, New York 12180

**RE: In the Matter of Virginia Martinez, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-295) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street-Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah

Enclosure

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

**In the Matter of**

**Virginia Martinez, M.D. (Respondent)**

**Administrative Review Board (ARB)**

**A proceeding to review a Determination by a  
Committee (Committee) from the Board for  
Professional Medical Conduct (BPMC)**

**Determination and Order No. 00-295**

**COPY**

**Before ARB Members Grossman, Lynch, Pellman, Price and Briber  
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner):  
For the Respondent:**

**Paul Robert Maher, Esq.  
William L. Wood, Jr., Esq.**

After a hearing below, a BPMC Committee determined that the Respondent committed professional misconduct, due to her criminal conviction for attempting to stab another person. The Committee voted to suspend the Respondent's License to practice medicine in New York State (License), to stay the suspension and to place the Respondent on probation for five years. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c (4)(a)(McKinney's Supp. 2001), the Petitioner asks the ARB to modify that Determination by requiring that the Respondent practice with a monitor during probation. After reviewing the hearing record and the briefs by the parties, we modify the probation terms, to restrict the Respondent to practice in a facility licensed or operated by a state or federal agency, during the entire probation.

**Committee Determination on the Charges**

The Petitioner's Statement of charges alleged that the Respondent violated N. Y. Educ. Law § 6530(9)(a)(i) (McKinney Supp. 2001), by engaging in conduct that resulted in her conviction for committing a crime under New York Law. The proceeding commenced by a Summary Order from the Commissioner of Health, pursuant to N.Y. Pub. Health Law

§230(12)(b). The Summary Order suspended the Respondent's License, upon the Commissioner's finding that the Respondent was convicted for a crime that constitutes a felony under New York Law. An expedited hearing (Direct Referral Proceeding) ensued pursuant to N.Y. Pub. Health Law §230(10)(p)(McKinney Supp. 2000), before a BPMC Committee, who rendered the Determination which the ARB now reviews. In such a Direct Referral Proceeding, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, see In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996). The ARB review addresses the Committee's Determination on the charges and penalty only, as the ARB lacks the authority to review Summary Orders [see Pub. Health Law § 230-c (1)].

The Committee determined that the Respondent entered into a guilty plea to attempted assault in the Second Degree, a felony, on May 31, 2000, in New York State Supreme Court for New York County. The Court sentenced the Respondent to five years on probation. The plea involved the Respondent's attempt to stab a person with whom the Respondent had engaged in a sexual relationship. The Committee concluded that the Respondent's conduct constituted professional misconduct under Education Law § 6530(9)(a)(i) and the Committee voted to assess a penalty against the Respondent's License. In their deliberations on what penalty to assess, the Committee considered the following factors:

- the Respondent suffers from bi-polar disorder,
- the prescription medication to treat the condition exacerbated the condition,
- the single violent episode that resulted in the conviction occurred within an intense interpersonal relationship, and,
- the bi-polar disorder is presently in full remission.

The Committee voted to suspend the Respondent's License for five years, to stay the suspension in full and to place the Respondent on probation for five years, under the terms that appear at pages 5-7 in the Committee's Determination. The Probation terms include requirements that the Respondent remain in counseling or other therapy and provide reports to the Office for Professional Medical Conduct (OPMC) concerning her continuation in treatment.

### **Review History and Issues**

The Committee rendered their Determination on November 1, 2000. This proceeding commenced on November 10, 2000, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief and the Respondent's response brief. The record closed when the ARB received the response brief on December 11, 2000.

The Petitioner argues that the Respondent poses a danger to the general public due to her conviction for assault with a knife, even though the assault bore no direct relation to her medical practice. The Petitioner requests that the ARB modify the Committee's Determination to add practice restrictions to assure no regression in the Respondent's condition during public contact in a practice setting. In reply, the Respondent argues that the criminal justice system and the Committee have concluded that the Respondent poses no threat to the public, because the violent conduct occurred during extraordinary personal circumstances unlikely to be repeated. The Respondent contends that the Committee's penalty provides the safeguards to protect the public.

### **Determination**

The ARB has considered the record and the parties' briefs. We sustain the Committee's Determination to suspend the Respondent's License, to stay the suspension in full and to place the Respondent on probation for five years. We agree with the Committee that the Respondent's conduct warrants no time on actual suspension from practice. We also agree that probation will provide sufficient safeguards for the public. We disagree, however, as to the requirements for

that probation. We vote to modify the probation terms to restrict the Respondent to practice in a facility operated or licensed by a state or federal agency.

In her testimony before the Committee, the Respondent indicated that she has yet to complete her residency [Hearing Transcript page 53]. The Respondent also related a spotty employment record since her mental condition's onset [Hearing Transcript pages 51-52]. From the evidence at the hearing, we lack a picture of how the Respondent can practice with her disease in remission and so we question whether we can allow the Respondent to practice without supervision in some form. A stressful work environment could aggravate the Respondent's condition. The Committee's probation terms will require the Respondent to continue in counseling or other therapy. The therapist treating the Respondent will see the Respondent monthly, at least, but will not observe the Respondent in practice. The therapist's knowledge about how the Respondent handles the stress from practice will also come from the Respondent only. The ARB concludes that the probation terms should place the Respondent in a supervised setting. In a government licensed or operated facility, there will be supervision over the Respondent's practice due to regulations under which the facility operates. We vote 5-0 to modify the Probation terms the Committee ordered, by adding this additional term:

*During the probation, the Respondent shall practice only in a medical facility holding a government issued operating certificate (such as a certificate pursuant to Public Health Law Article 28) or operated by a state or federal agency (such as the United States Veteran's Administration).*

The Petitioner's brief requested that the ARB place a monitor over the Respondent's practice during probation. We see no need for a monitor, because the Respondent will practice under supervision in the facility.

**ORDER**

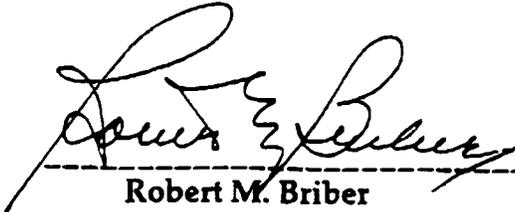
**NOW**, with this Determination as our basis, the ARB renders the following **ORDER**:

1. The ARB **AFFIRMS** the Committee's Determination to suspend the Respondent's License for five years, to stay the suspension in full and to place the Respondent on probation for five years.
2. The ARB **MODIFIES** the probation terms to add the requirement that the Respondent practice only in a facility licensed by or operated by a state or federal agency.

Robert M. Briber  
Thea Graves Pellman  
Winston S. Price, M.D.  
Stanley L. Grossman, M.D.  
Therese G. Lynch, M.D.

Robert M. Briber, an ARB Member concurs in the Determination and Order  
in the Matter of Dr. Ordon.

Dated: 1/30/ 2001

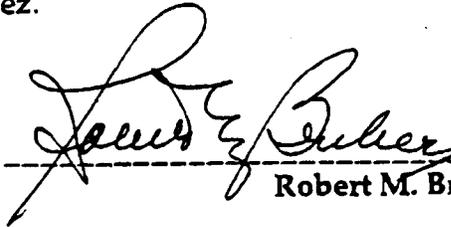


Robert M. Briber

**In the Matter of Virginia Martinez, M.D.**

Robert M. Briber, an ARB Member concurs in the Determination and Order  
in the Matter of Dr. Martinez.

Dated: 1/30/2001

  
-----  
Robert M. Briber

**In the Matter of Virginia Martinez, M.D.**

**Winston S. Price, M.D.**, an ARB Member concurs in the Determination and Order in the  
Matter of Dr. Martinez.

Dated: 1/19/, 2001



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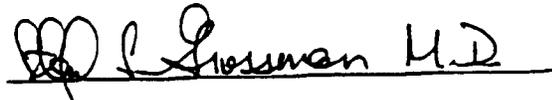
**Winston S. Price, M.D.**

In the Matter of Virginia Martinez, M.D.

Stanley L. Grossman, an ARB Member concurs in the Determination and Order in the

Matter of Dr. Martinez.

Dated: January 18, 2001

Handwritten signature of Stanley L. Grossman, M.D. in cursive script, underlined.

Stanley L Grossman, M.D.

In the Matter of Virginia Martinez, M.D.

Therese G. Lynch, M.D., an ARB Member concurs in the Determination and Order in  
the Matter of Dr. Martinez:

Dated: January 17, 2001

Therese G. Lynch, M.D.

Therese G. Lynch, M.D.



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 1, 2000

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Virginia Martinez, M.D.  
1131 123<sup>rd</sup> Street  
College Point, New York 11356

William L. Wood, Esq.  
Wood & Scher  
14 Harwood Court  
Scarsdale, New York 10583

Paul Robert Maher, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street – Fourth Floor  
Troy, New York 12180

**RE: In the Matter of Virginia Martinez, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-295) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

BPMC-00-295

**IN THE MATTER**

**OF**

**VIRGINIA MARTINEZ, M.D.**

A Commissioner's Order and Notice of Hearing, dated August 28, 2000, and a Statement of Charges, dated August 28, 2000, were served upon the Respondent, **VIRGINIA MARTINEZ, M.D.**

**DAVID LYON, M.D.**, Chairperson, **RAFAEL LOPEZ, M.D.** and **CHARLOTTE BUCHANAN, ESQ.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on October 19, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **WOOD & SEHER**, 14 Harwood Court, Scarsdale, New York 10583, by **WILLIAM L. WOOD, JR., ESQ.**, of Counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). A copy of the Commissioner's Order and Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1.

### WITNESSES

For the Petitioner

NONE

For Respondent:

VIRGINIA MARTINEZ, M.D., the Respondent  
ERIC GOLDSMITH, M.D.  
SYLVIA BROWN KLEIDMAN, M.S.W.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the

cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. VIRGINIA MARTINEZ, M.D., the Respondent, was authorized to practice medicine in New York State on September 9, 1998, by the issuance of license number 212049 by the New York State Education Department. (Pet's Ex. 4).

2. On April 25, 2000, in the Supreme Court of the State of New York, the Respondent was found guilty of Attempt to Commit the Crime of Assault in the Second Degree, a felony, and on May 31, 2000, she was sentenced to five (5) years probation. (Pet's Ex. 5)

3. By ORDER, dated August 28, 2000, "Antonia C. Novello, M.D., M.P. H., as 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 VIRGINIA MARTINEZ, M.D., has been found guilty of committing an act constituting a felony under New York State Law, in the County of New York, Supreme Court of the State of New York."

The Commissioner "ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12)(b), that effective immediately, VIRGINIA MARTINEZ, M.D., Respondent 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)." (Pet's Ex. 1)

## VOTE OF THE HEARING COMMITTEE

### SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by reason of having been found guilty of committing a crime under the New York State law.

**VOTE:**        **SUSTAINED (3-0)**

### HEARING COMMITTEE DETERMINATION

The record in this case indicates that on April 25, 2000, the Respondent was found guilty in the New York State Supreme Court of Attempt to Commit the Crime of Assault in the Second Degree, a felony, and was sentenced to five (5) years probation.

The Hearing Committee has taken into consideration the following factors in determining the nature and severity of the penalty to be imposed on the licensee:

- The Respondent has been diagnosed with bi-polar disorder which was exacerbated by the medication prescribed to treat her condition.
- This single episode of violence was in the context of an intense interpersonal relationship.
- The Respondent's bi-polar disorder is presently in full remission.

The Hearing Committee determines that the appropriate penalty in this case would be a five (5) years suspension, stay said suspension, and place the Respondent on probation for five (5) years under terms and conditions hereinafter specified in the ORDER.

## ORDER

### **IT IS HEREBY ORDERED:**

1. The Respondent's license to practice medicine in the State of New York is **SUSPENDED** for five (5) years, suspension **STAYED**.

2. The Respondent is placed on probation for a period of five (5) years under the following terms and conditions:

- Respondent shall conduct herself in all ways in a manner befitting her professional status, and conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession.
- Respondent shall continue in psychiatric counseling or other therapy with a qualified psychiatric therapist approved by OPMC.
- Respondent shall see the therapist at least once a month for the first year and thereafter at a frequency determined by the therapist and approved by OPMC.
- Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment or displays any symptoms of suspected or actual relapse.
- Any change in the treating therapist shall be reported immediately to OPMC and any successor treating therapist must be approved by the Director of OPMC.

- Respondent shall comply with any request from OPMC to obtain an independent psychiatric evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
- Respondent shall comply with all of the terms and conditions of probation as prescribed by the New York State Supreme Court. The Respondent shall cause her probation officer to submit semi-annual reports to the Office of Professional Medical Conduct reporting on her compliance or failure to comply with any of the terms of her state probation and report on any changes in the duration or terms of her state probation.
- Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

3. Respondent shall comply with all terms, conditions, restrictions, limitations, and penalties to which she is subject pursuant to this Order and shall assume and bear all



APPENDIX I

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

IN THE MATTER

OF

VIRGINIA MARTINEZ, M.D.

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: VIRGINIA MARTINEZ, M.D.  
1131 123<sup>rd</sup> Street  
College Point, New York 11356

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 **Virginia Martinez, M.D.**, has been found guilty of committing an act constituting a felony under New York State law, in the County of New York, Superior Court of the State of New York.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **Virginia Martinez, M.D.**, Respondent, 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. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public 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 20<sup>th</sup> day of September, 2000, at 10:00 am in the forenoon at Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180, and at such other adjourned dates, times, and places as the committee may direct. The Respondent 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

EXHIBIT

be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on her behalf, to issue or have subpoenas issued on her behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against her. Such evidence or sworn testimony shall be limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify. 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.

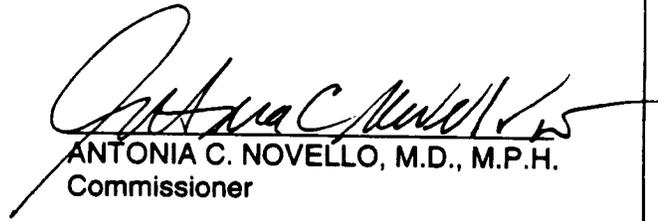
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> 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 MAY 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 IN THIS  
MATTER.

DATED: Albany, New York  
August 28 , 2000



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

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0820

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

IN THE MATTER  
OF  
VIRGINIA MARTINEZ, M.D.

STATEMENT  
OF  
CHARGES

Virginia Martinez, M.D., the Respondent, was authorized to practice medicine in New York state on September 9, 1998, by the issuance of license number 212049 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

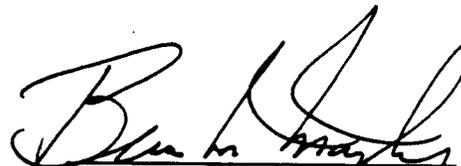
A. On or about April 25, 2000, in the Superior Court of the State of New York, the Respondent was found guilty of Attempt to Commit the Crime of Assault in the Second Degree, a felony, and on or about May 31, 2000 was sentenced to five (5) years probation.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by reason of having been found guilty of committing a crime under the New York state law, In that Petitioner charges:

1. The facts in paragraph A.

DATED: 8/28, 2000



BRIAN M. MURPHY, ESQ.  
Chief Counsel  
Bureau of Professional Medical  
Conduct