



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 11, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Barbara F. Edelstein, M.D.
Four Northcliff Drive
West Hartford, CT 06117

RE: License No. 133140

Dear Dr. Edelstein:

Enclosed please find Order #BPMC 99-126 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 11, 1999.**

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

cc: Elliot B. Pollack, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

Mark T. Fantauzzi, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
BARBARA F. EDELSTEIN, M.D. : BPMC # 99-126

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BARBARA F. EDELSTEIN, M.D., says:

On or about November 21, 1971, I was licensed to practice medicine as a physician in the State of New York having been issued License Number 133140 by the New York State Education Department. My office and registration address is River Valley Services, P.O.Box 351, Silver Street, Middletown, Connecticut, 06457. My residence address is Four Northcliff Drive, West Hartford, Connecticut, 06117.

I understand that I have been charged with four specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I admit and do not contest the first and second

specifications set forth in the Statement of Charges. I deny the third and fourth specifications set forth in the Statement of Charges.


I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord

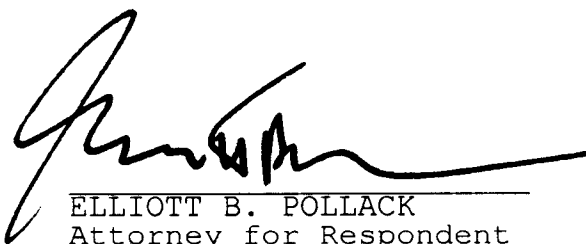
and not under duress, compulsion, or restraint of any kind or manner.

I agree to the limitation on registration or issuance of any further license to me by the licensing authorities of the State of New York in accordance with New York Public Health Law section 230-a(6). In all events, I agree never to apply for reinstatement of my medical license in the State of New York.



BARBARA F. EDELSTEIN, M.D.
Respondent

AGREED TO:


Date: May 20, 1999


ELLIOTT B. POLLACK
Attorney for Respondent

Date: June 1, 1999


MARK T. FANTAUZZI
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: June 4, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

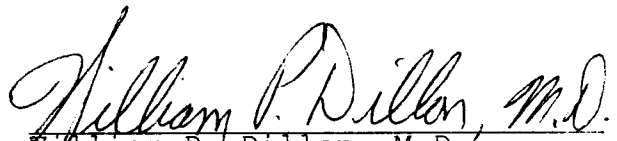
Upon the proposed agreement of BARBARA EDELSTEIN, M.D. to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 6/8/99


William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
BARBARA EDELSTEIN, M.D. : CHARGES

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BARBARA EDELSTEIN, M.D., the Respondent, was authorized to practice medicine in New York State on November 21, 1971, by the issuance of license number 133140 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On January 21, 1994, Respondent was charged by the State of Connecticut Department of Public Health and Addiction Services, Bureau of Health System Regulation Division of Medical Quality Assurance, hereinafter "the Connecticut Board", with having submitted claims to Blue Cross and Blue Shield of Connecticut for weight control treatments, provided to approximately 165 patients, which were not services covered by Blue Cross and Blue Shield of Connecticut. Respondent was further charged with having submitted such claims for such patients listing various medical diagnoses and/or treatments which were not rendered by Respondent. Respondent was further charged with having wrongfully received reimbursement from Blue Cross and Blue Shield of Connecticut for services not covered by said insurance.

B. On June 3, 1998, Respondent entered into and executed a Consent Order with the Connecticut Board in which Respondent elected not to contest the charge of negligence made against her by the Connecticut Board. The Consent Order expressly provided that, for purposes of any proceedings before the Connecticut Board, the Consent Order was to have the same effect as if proven and ordered after a full hearing held pursuant to the relevant statutes of the State of Connecticut. The Consent Order further provided that it was not subject to reconsideration, collateral attack or judicial review under any form or in any forum. The Consent Order further provided that it was not subject to appeal or review under the relevant statutes of the State of Connecticut.

C. In accordance with the terms of the Consent Order, Respondent agreed to have her license reprimanded. Respondent also agreed to the imposition of a civil penalty of five thousand dollars (\$5000.00).

D. On or about January 26, 1995, Respondent was served with the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. On or about January 19, 1995, Respondent's attorney was served with a copy of the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. Despite Respondent's actual knowledge of the misconduct charges instituted against her by the Connecticut Board, on or about April 28, 1995, Respondent, in an application for reregistration of her medical license in the State of New York,

answered "NO" to the following question:

"Since you last registered, has any state other than New York instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended, or accepted surrender of a professional license held by you?"

E. On or about January 26, 1995, Respondent was served with the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. On or about January 19, 1995, Respondent's attorney was served with a copy of the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. Despite Respondent's actual knowledge of the misconduct charges instituted against her by the Connecticut Board, on or about August 5, 1996, Respondent, in an application for reregistration of her medical license in the State of New York, answered "NO" to the following question:

"Since you last filed a registration application...has any other state or country instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended, or accepted surrender of a professional license held by you?"

F. On or about January 26, 1995, Respondent was served with the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. On or about January 19, 1995, Respondent's attorney was served with a copy of the aforescribed Statement of Charges and Notice of Hearing of the Connecticut Board. On or about October 29, 1998, Respondent, in an application for reregistration of her medical license in the

State of New York, was presented with the following question:

"Since you last registered, has any state other than New York instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended, or accepted surrender of a professional license held by you?"

Despite Respondent's actual knowledge of the misconduct charges instituted against her by the Connecticut Board Respondent failed to respond to the above quoted question leaving the answer to it blank.

G. The conduct resulting in the Connecticut Board's Disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York law:

1. New York Education Law section 6530(2) [fraudulent practice of medicine];
2. New York Education Law section 6530(3) [negligence on more than one occasion];
3. New York Education Law section 6530(9)(b) [guilty finding of improper professional practice or professional misconduct-foreign jurisdiction];
4. New York Education Law section 6530(9)(d) [disciplinary action taken against medical license-foreign jurisdiction]
5. New York Education Law section 6530(16) [failure to comply with laws governing the practice of medicine]
6. New York Education Law section 6530(20) [moral unfitness]

7. New York Education Law section 6530(21) [making or filing false report-failure to file required report].

SPECIFICATIONS

FIRST SPECIFICATION

IMPROPER PRACTICE-PROFESSIONAL MISCONDUCT

FINDING IN FOREIGN JURISDICTION

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(9)(b) by reason of her 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, B, and/or C.

SECOND SPECIFICATION

DISCIPLINARY ACTION - FOREIGN JURISDICTION

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(9)(d) by reason of her having disciplinary action taken against her medical license by a duly authorized professional disciplinary agency of another state, when the conduct resulting in the disciplinary

action taken 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, B, and/or C.

THIRD SPECIFICATION

FRAUDULENT PRACTICE OF MEDICINE

Respondent is charged with professional misconduct in violation of New York Education Law section 6530(2) by reason of her having practiced the profession of medicine fraudulently, in that Petitioner charges:

1. The facts in paragraphs D, E, and/or F.

FOURTH SPECIFICATION

FILING OF A FALSE REPORT

FAILURE TO FILE REQUIRED REPORT

Respondent is charged with professional misconduct in violation of New York Education law section 6530(21) by reason of her having willfully filed a false report, or having failed to file a report required by law or by the department of health or the education department, in that Petitioner charges:

1. The facts in paragraphs D, E, and/or F.

~~May~~ *June* 1, 1999

Albany, New York

Peter D. Van Buren

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