



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

July 11, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mary Feinroth, M.D.
921 N. 35th Avenue
#205
Hollywood, Florida 33021-5469

RE: License No. 141487
Effective Date 7/18/94

Dear Dr. Feinroth:

Enclosed please find Order #BPMC 94-105 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,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X

IN THE MATTER :
OF : ORDER
MARY FEINROTH, M.D. : BPMC 94-105

-----X

Upon the Application of MARY FEINROTH, M.D. (Respondent) to Surrender her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application 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 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 1 July 1994

Charles J. Vacanti

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

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
MARY FEINROTH, M.D. : LICENSE

-----X

STATE OF FLORIDA)

ss.:

COUNTY OF BROWARD)

MARY FEINROTH, M.D., being duly sworn, deposes and says:

On or about March 28, 1980, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 141487 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification 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 permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegations.

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

I understand that, in the event that the application 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 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 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 grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

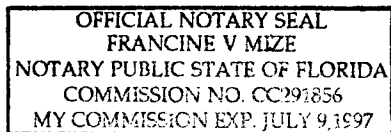
I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Mary J Feinroth, M.D.

MARY FEINROTH, M.D.
Respondent

Sworn to before me this
9 day of June, 1994

Francine V. Mize
NOTARY PUBLIC



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

-----X

IN THE MATTER : APPLICATION TO
TO : SURRENDER
MARY FEINROTH, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 9 June, 1994

Mary Feinroth, M.D.
MARY FEINROTH, M.D.
Respondent

Date: June 15, 1994

Elizabeth C. Hogan
ELIZABETH C. HOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: July 8, 1994

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 1 July, 1994

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

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MARY FEINROTH, M.D. : CHARGES

-----X

MARY FEINROTH, M.D., the Respondent, was authorized to practice medicine in New York State on March 28, 1980, by the issuance of license number 141487 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. The Florida State Board of Medical Examiners, by Final Order dated October 1, 1993 and pursuant to a Consent Agreement entered into between the Board and Respondent, took disciplinary action against Respondent. The Board imposed a \$2,000.00 fine and ordered Respondent to complete Continuing Medical Education courses in risk management.

2. The conduct underlying the Florida Board's imposition of discipline upon Respondent as set forth in the Complaint, dated November 16, 1992, was the failure to recognize that a patient tested positive for Hepatitis and the dialysis of the patient, without isolating him, and reuse of his dialysis for a period of six (6) months, such conduct being gross or repeated

malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in violation of Florida Statutes §458.331(1)(t). Further conduct was the failure to keep adequate medical records for the patient, in violation of Florida Statute §458.331(1)(m).


3. The conduct underlying the Florida Board's imposition of discipline, would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing the profession with negligence on more than one occasion]; and/or N.Y. Educ. Law §6530(4) [practicing the profession with gross negligence on a particular occasion]; and/or N.Y. Educ. Law §6530(32) [failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient].

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of her having her license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license 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 1, 2 and 3.

DATED: *June 15,* 1994
Albany, New York


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