

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

IN THE MATTER
OF
ALAN NUSSBAUM, M.D.

STATEMENT
OF
CHARGES

ALAN NUSSBAUM, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 23, 1990 by the issuance of license number 181570 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 25, 2020, a Committee of the New York State Board for Professional Medical Conduct ("Board") issued an Order pursuant to New York Public Health Law section 230(7)(a) after the Committee made a finding that there was reason to believe the Respondent may be impaired by alcohol, drugs, physical disability, or mental disability. The Order directed the Respondent to submit to and cooperate with an examination by the Medical Director at Geisinger Marworth Treatment Center, or their designee, and that the Respondent must schedule and commence the examination no later than thirty days from the effective date of the Order. The Order also required that the Respondent provide any releases or consents with respect to confidentiality that the Examining Physician, the Board, or the Office of Professional Medical Conduct ("OPMC") deemed necessary, including to authorize the Examining Physician to directly provide OPMC with information about the Respondent's compliance or noncompliance with the Order. Respondent failed to comply with the Order in that:

1. The Respondent failed to schedule and commence the examination within thirty days of the effective date of the Order.
2. The Respondent failed to submit to and cooperate with an examination by the Medical Director at Geisinger Marworth Treatment Center or their designee.
3. The Respondent failed to provide releases and/or consents as directed by the Order, including as directed in paragraph 4(b), to authorize the Examining Physician to provide OPMC directly with information about the Respondent's compliance or noncompliance with the Order, and paragraph 5, requiring the Respondent to authorize and cause the Examining Physician to provide OPMC directly with information about the Respondent's compliance or noncompliance with the Order.

B. On or about June 25, 2020, a Committee of the Board issued an Order pursuant to New York Public Health Law section 230(7)(b) after the Committee made a finding that there was reason to believe the Respondent may be impaired by alcohol, drugs, physical disability, or mental disability. The Order authorized OPMC to obtain medical records or other protected health information pertaining to the Respondent's physical or mental condition which the Committee found may be relevant to the Respondent's alleged impairment. The Order directed the Respondent to provide OPMC with the necessary authorizations to obtain the medical records and/or other protected health information from the providers and/or facilities specified in the Order. The Order required the Respondent to provide the necessary authorizations within seven days of the effective date of the Order. On or about July 17, 2020, OPMC provided the Respondent with medical authorizations to effectuate the release of medical records and/or other protected health information for the physicians and/or providers as specified in the Order. Respondent failed to comply with the Order in that:

1. Respondent failed to complete and return to OPMC the necessary authorizations to obtain the Respondent's medical records and/or other protected health information within seven days of the effective date of the Order.

SPECIFICATION OF CHARGES

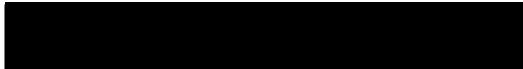
FIRST AND SECOND SPECIFICATIONS

Failure to Comply with an Order

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(15) by failing to comply with an order issued pursuant to §230(7) of the Public Health Law, as alleged in the facts of:

1. Paragraph A and its subparagraphs.
2. Paragraph B and its subparagraphs.

DATE: February 23, 2022
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct