



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

September 28, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Leonard Figelman, M.D.
10 Medical Drive
Port Jefferson Station, New York 11776

RE: License No. 091967

Dear Dr. Figelman:

Enclosed please find Order #BPMC 98-226 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 28, 1998.**

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
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: Anthony Scher, Esq.
Wood & Scher
The Harwood Building
14 Harwood Court
Scarsdale, New York 10583

Denise L. Quarles, Esq.

bcc: W. Comiskey
R. Nemerson
C. Glynn
P. Cooney
J. Dawson
A. Bohenek
M. Izquierdo
K. Spooner

condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp. 1998).

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.

Leonard F. Figelman
LEONARD FIGELMAN, M.D.
RESPONDENT

Sworn to before me this

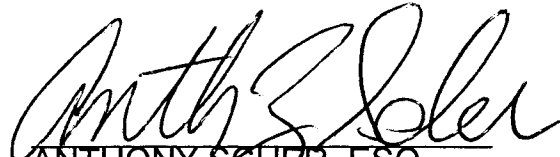
day of August, 1998

Stephen Goldstein
NOTARY PUBLIC


STEPHEN GOLDSTEIN
Notary Public, State of New York
No. 0187 058523 01605069523
Qualified in Suffolk County
Commission Expires November 25, 1998

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


DATE: 8/14/98


ANTHONY SCHER, ESQ.
Attorney for the Respondent

DATE: 9/14/98


DENISE L. QUARLES
Attorney
Bureau of Professional
Medical Conduct

DATE: 9/18/98


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
LEONARD FIGELMAN, M.D.

CONSENT
ORDER

Upon the proposed Agreement of LEONARD FIGELMAN, M.D., the 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 so ORDERED, 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 the Respondent at the address set forth in this Agreement or to the Respondent's attorney, or upon transmission via facsimile to the Respondent or the Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9/22/98



PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
LEONARD FIGELMAN, M.D.

STATEMENT
OF
CHARGES

LEONARD FIGELMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 18, 1964, by the issuance of license number 091967 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. At all times herein mentioned, the Respondent was an attending physician with privileges in the Department of Orthopaedics at St. Charles Hospital (SCH), Port Jefferson, New York. On or around April 18, 1995, Patient A was admitted to SCH with a diagnosis of avascular necrosis of the right hip with a femoral head collapse. On April 18, 1995, the Respondent performed a total hip replacement on Patient A.
1. On April 18, 1995, during the course of the operation, the Respondent failed to discover that he was provided with a 22mm femoral head and a 28mm Zimmer acetabular cup. Because of his failure, the Respondent inappropriately implanted the mismatched components into Patient A. On April 21, 1995, the Respondent re-operated on Patient A to remove the mismatched femoral head and to replace it with one of the appropriate size, 28mm.

B. On or around June 4, 1996, Patient B was admitted to SCH with a diagnosis of lipoma of the left knee and right patella alignment syndrome. The Respondent, who was Patient B's primary care physician, was authorized to remove the lipoma from the posterior aspect of Patient B's left knee and to perform arthroscopic surgery on her right knee. On June 4, 1996, the circulating nurse erroneously prepped and draped Patient B's left knee for surgery.

1. The Respondent failed to discover the circulating nurse's error and inappropriately performed arthroscopic surgery on Patient B's left knee.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. The facts of paragraph and subparagraphs for A and B.

SECOND SPECIFICATION
UNWARRANTED TREATMENT

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1998) by performing professional services which were not warranted by the condition of the patient.

2. The facts of paragraph B and B1.

DATED: August , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct