

THE STATE EDUCATION DEPARTMENT THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

March 13, 1991

Martin M. Fisher, Physician
16 North Chatsworth Avenue
Apt. 209
Larchmont, N.Y. 10538

Re: License No. 031030

Dear Dr. Fisher:

Enclosed please find Commissioner's Order No. 11716. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er
Enclosures

CERTIFIED MAIL- RRR

cc: Michael S. Kelton, Esq.
Lippman, Krasnow & Kelton
711 Third Avenue
New York, N.Y. 10017-4059

RECEIVED

MAR 19 1991
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Office of Professional
Medical Conduct

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
MARTIN M. FISHER, M.D. : LICENSE

STATE OF NEW YORK)
 ss. :
COUNTY OF NEW YORK)

MARTIN M. FISHER, M.D., being duly sworn, deposes and
says:

On or about September 19, 1935, I was licensed to practice
as a physician in the State of New York having been issued
License No. 31030 by the New York State Education Department.

I am currently registered with the New York State
Education Department to practice as a physician in the State of
New York for the period beginning January 1, 1989 through
December 31, 1991 from 10 East 78th Street, New York, New York
10021. I no longer practice medicine from that location. My
residence address is 16 North Chatsworth Avenue, Larchmont, New
York 10538.

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

MARTIN M. FISHER, M.D.

I am applying to the Board of Regents for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the two Specifications of professional misconduct set forth in the charges.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

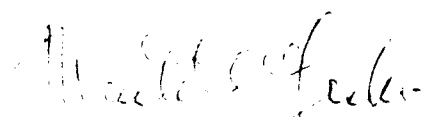
I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the

MARTIN M. FISHER, M.D.

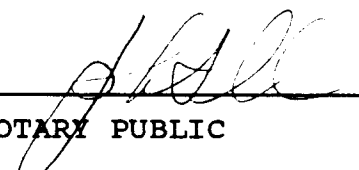
effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made 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.



MARTIN M. FISHER, M.D.
Respondent

Sworn to before me this
9th day of MAY, 1990



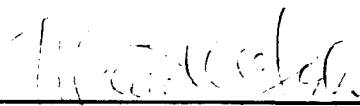
NOTARY PUBLIC

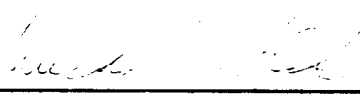
JOHN NORELLI
Notary Public, State of New York
No. 4934981
Qualified in Westchester County
Commission Expires July 25, 1992

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


IN THE MATTER : APPLICATION TO
OF : SURRENDER
MARTIN M. FISHER, M.D. : LICENSE

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

Date: 5/1, 1990 
MARTIN M. FISHER, M.D.
Respondent

Date: 5/10, 1990 
MICHAEL S. KELTON, ESQ.
Attorney for Respondent

Date: 1/2, 1990 
MEMBER, State Board for
Professional Medical Conduct

Date: 12/28 1990 
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

MARTIN M. FISHER, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

Date: December 28, 1990



DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: Jan 15, 1991



MEMBER OF THE BOARD OF REGENTS

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

-----X
IN THE MATTER : STATEMENT
OF : OF
MARTIN M. FISHER, M.D. : CHARGES
-----X

MARTIN M. FISHER, M.D., the Respondent, was authorized to practice medicine in New York State on September 19, 1935 by the issuance of license number 31030 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991, his current registration address is 10 East 78th Street, New York, New York 10021. Upon information and belief, Respondent no longer practices medicine from that address; his residence address is 16 North Chatsworth Avenue, Apt. 209, Larchmont, New York 10538.

FACTUAL ALLEGATIONS

A. On or about March 15, 1989, Respondent, a cardiologist, undertook the care and treatment of Patient A (identified in Appendix A), a 47 year old woman, at his office located at

EXHIBIT A

10 East 78th Street, New York, New York. Patient A had been referred by her workers' compensation carrier to Respondent for a consultation related to respiratory problems (asthma).

1. On the above date, Respondent, in his office, in the course of purportedly examining and treating Patient A for shortness of breath and cough, sexually abused Patient A by fondling her breasts and kissing her on the neck and mouth.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PATIENT ABUSE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(9) (Mc Kinney 1985) in that he engaged in unprofessional conduct within the meaning of 8 NYCRR Sec. 29.2(a)(2) (1987) by willfully abusing a patient physically, in that Petitioner charges:

1. The facts in paragraph A, and A1.

SECOND SPECIFICATION

MORAL UNFITNESS

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(9) (McKinney 1985) in that he engaged in unprofessional conduct within the meaning of 8 NYCRR Sec. 29.1(b)(5) (1987) by engaging in conduct in the practice of medicine which evidences moral unfitness to practice the profession, in that Petitioner charges:

2. The facts in paragraph A and A1.

DATED: New York, New York
April 17, 1990



Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

MARTIN M. FISHER

CALENDAR NO. 11716



The University of the State of New York

IN THE MATTER

OF

MARTIN M. FISHER
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11716**

Upon the application of MARTIN M. FISHER, under Calendar No. 11716, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 21, 1991): That the application of MARTIN M. FISHER, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

MARTIN M. FISHER (11716)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 24th day of
March, 1991.

Thomas Sobol
Commissioner of Education