

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

Leslie Fischberg, Physician
2709 Lee Place
Bellmore, N.Y. 11710

Re: License No. 148179

Dear Dr. Fischberg:

Enclosed please find Commissioner's Order No. 11353. 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: Jonathan A. Weinstein, Esq.
123-35A 82nd Road
Kew Gardens, N.Y. 11415

RECEIVED
MAR 19 1991
Office of Professional
Medical Council

REPORT OF THE
REGENTS REVIEW COMMITTEE

LESLIE FISCHBERG

CALLER NO. 11353



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

LESLIE FISCHBERG

No. 11353

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

LESLIE FISCHBERG, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On December 3, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Jonathan A. Weinstein, Esq. Claudia Morales Bloch, Esq., represented the New York State Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was a two year suspension, stayed, probation.

Respondent's written recommendation was that, under the applicable circumstances, no penalty should be imposed. However, if the Regents determine to impose some sanction a letter of

LESLIE FISCHBERG (11353)

caution, combined with some period of community or clinic service was respectfully recommended.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent be Censured and Reprimanded and required to perform 100 hours of public service in the field of medicine upon the charge of which respondent has been found guilty. Said public service is to be selected by respondent and previously approved, in writing, by the New York State Education Department and respondent shall submit satisfactory proof of performing such public service, within ten days after the completion thereof, to

LESLIE FISCHBERG (11353)

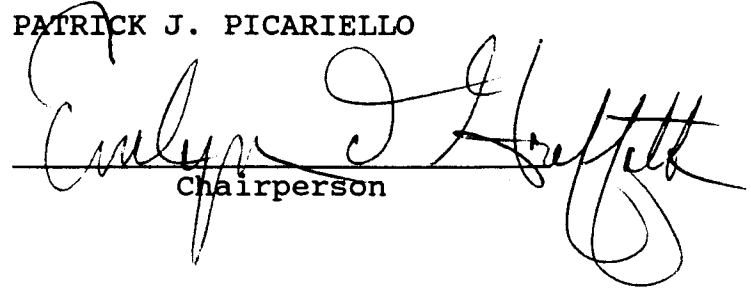
the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, New York 10016-5802, such completion to be within eight months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter.

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO



Chairperson

Dated: 1/15/91

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

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IN THE MATTER : STATEMENT
OF : OF
LESLIE FISCHBERG, M.D. : CHARGES

-----X

LESLIE FISCHBERG, M.D., the Respondent, was authorized to practice medicine in New York State on October 30, 1981 by the issuance of license number 148179 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, 1990 at 2709 Lee Place, Bellmore, New York 11710.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(a)(i) (McKinney 1985) in that he has been convicted of committing an act constituting a crime under New York State Law, specifically:

On June 29, 1988, Respondent was convicted, in the Nassau County District Court in the State of New York, by jury verdict, of

violating Penal Law Section
240.30(1) (Aggravated harassment in the
second degree) in that he, between on or
about October 25, 1986 and on or about
December 9, 1986, telephoned one Robin
Grosswirth at various times in the early
morning hours with the intent to annoy and
alarm her.

DATED: New York, New York

October 4, 1986

Chris Stern Hyman *(CSH)*

CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct

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

LESLIE FISCHBERG

CALENDAR NO. 11353



The University of the State of New York

IN THE MATTER

OF

LESLIE FISCHBERG
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11353

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11353, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 21, 1991): That the record herein be accepted, that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of LESLIE FISCHBERG, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent is Censured and Reprimanded and required to perform 100 hours of public service in the field of medicine upon the charge of which respondent has been found guilty; that said public service is to be selected by respondent and previously approved, in writing, by the New York State Education Department and respondent shall submit satisfactory proof of performing such public service, within ten days after the completion thereof, to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, New York 10016-5802, such completion to be within eight months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter; and that the Commissioner of Education be

LESLIE FISCHBERG (11353)

empowered to execute, for and on behalf of the Board of Regents,
all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, 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.

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 4th day of
March 1991.

Thomas Sobol
Commissioner of Education