

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

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

IN THE MATTER

OF

SAMUEL A. PRESCHEL, M.D.

STATEMENT
OF
CHARGES

SAMUEL A. PRESCHEL, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 16, 1984, by the issuance of license number 159182 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 18, 2019, the New Jersey State Board of Medical Examiners ("New Jersey Board") entered a Consent Order with the Respondent where the New Jersey Board made a finding that the Respondent did not maintain his office in a safe and sanitary condition to the extent that he failed to develop and implement adequate infection control, waste management, and/or medical equipment maintenance protocols, and that he failed to adequately monitor and manage his inventory of medications and medical supplies. The New Jersey Board found that Respondent's conduct constituted repeated acts of negligence, malpractice or incompetence in violation of N.J.S.A. 45:1-21(d); professional and/or occupational misconduct in violation of N.J.S.A. 45:1-21(e); and a failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h), with specific reference to the regulations contained in N.J.A.C. 13:35-6.16(b) (a lack of, and/or inadequate, policies and procedures for infection control, waste management, and/or medical equipment maintenance, and N.J.A.C. 13:35-7.5(b) (inadequate monitoring of medication inventory). The Consent Order imposed the following penalties and/or conditions: a reprimand, a requirement that the

Respondent retain an infection control "preventionist" for no less than one year, a requirement that Respondent complete a course in infection prevention, a civil penalty of \$10,000.00, and a requirement to reimburse the New Jersey Board in the amount of \$19,260.00, among other conditions.

B. The conduct resulting in the New Jersey disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York State law:

1. New York Education Law section 6530(3) (practicing the profession with negligence on more than one occasion); and/or
2. New York Education Law section 6530(5) (practicing the profession with incompetence on more than one occasion); and/or
3. New York Education Law section 6530(47) (failure to use infection control practices as established by the department of health pursuant to section two hundred thirty-a of the public health law).

SPECIFICATION OF CHARGES

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530[3], [5] and/or [47]) as alleged in the facts of the following:

1. Paragraphs A, B and B.1, B.2 and/or B.3.

DATE: December 30, 2020
Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct