



**New York State Board for Professional Medical Conduct**

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

Antonia C. Novello, M.D., M.P.H.  
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NYS Department of Health  
Dennis P. Whalen  
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NYS Department of Health  
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*Office of Professional Medical Conduct*

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*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

January 27, 2000

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Warren Goldblum, **M.D.**  
41 Waterside Close  
Tuckahoe, NY 10709

Warren Goldblum, **M.D.**  
475 Tuckahoe Road  
Yonkers, NY 10710

RE: License No. 091340

Dear Dr. Goldblum:

Enclosed please find Order #BPMC 00-21 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 27, 2000.**

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 to 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: Marvin Lifshutz, Esq.  
675 Third Avenue  
New York, NY 10007

Marcia E. Kaplan, Esq.

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

IN THE MATTER  
OF  
WARREN GOLDBLUM, D.O.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #00-21

STATE OF NEW YORK )  
COUNTY OF ) SO.:

WARREN GOLDBLUM, D.O., (Respondent) being duly sworn, deposes and says:

That on or about September 14, 1963, I was licensed to practice as a physician in the State of New York, having been issued License No. 091340 by the New York State Education Department.

My current residence address is 41 Waterside Close, Tuckahoe, N.Y. 10709, my current office addresses are 814 East 156th Street, Bronx, N.Y. 10455 and 475 Tuckahoe Road, Yonkers, N.Y. 10710, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with three specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the Second Specification in full satisfaction of the charges against me. I hereby agree to the following penalty:

Probation for two years, with terms and conditions as set forth in attached Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

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.

  
WARREN GOLDBLUM, D.O.  
RESPONDENT

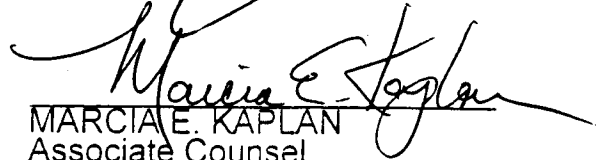
DATED 12/31/99

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


DATE: 1-13-2000

  
MARVIN LIFSHUTZ, ESQ.  
Attorney for Respondent

DATE: January 14, 2000

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: Jan. 20, 2000

  
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  
WARREN GOLDBLUM, D.O.

CONSENT  
ORDER

Upon the proposed agreement of WARREN GOLDBLUM, D.O.  
(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 Respondent at the address set forth in this agreement or to  
Respondent's attorney by certified mail, or upon transmission via facsimile to  
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/24/00

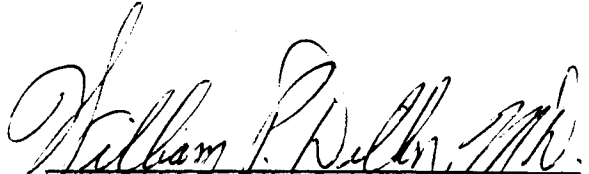
  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER  
OF  
WARREN GOLDBLUM, D.O.

STATEMENT  
OF  
CHARGES

WARREN GOLDBLUM, D.O., the Respondent, was authorized to practice medicine in New York State on or about September 14, 1963, by the issuance of license number 091340 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A at his office at 814 East 156th St., Bronx, N.Y. 10455 from on or about February 19, 1991 through on or about October 8, 1994.
1. Respondent repeatedly failed to evaluate Patient A appropriately, rendered inappropriate treatment, and/or failed to timely refer Patient A for upper endoscopy or for gastroenterologic or surgical consultation, in light of:
    - a. Patient A's presenting complaints of stomach pains and vomiting of 6 weeks duration on or about February 5, 1994, with upper abdominal tenderness noted upon examination by Respondent.
    - b. Patient A's recurring complaints of abdominal pains, vomiting, and weight loss between on or about



February 5, 1994 and on or about October 18, 1994.

- c. The findings of the upper GI series of Patient A done on or about March 1, 1994, and reported on or about March 2, 1994, with Impression reported, as follows:

Infiltrating lesion involving the antrum of the stomach. The appearance indicates the likely possibility of an infiltrating process involving the antrum of the stomach (linitis plastica). CT scan with I.V. and oral contrast is recommended for further evaluation. Endoscopic examination and biopsy certainly will be most definitive. Clinical correlation recommended.

2. Respondent failed to keep medical records that accurately reflect the care and treatment of Patient A.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1999) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraph A and A.1 and its subparts.

**SECOND SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1999) 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:

2. Paragraph A and A.1 and its subparts, and/or A.2.

**THIRD SPECIFICATION**

**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1999) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

3. Paragraph A and A.2

DATED: November , 1999  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site

observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. During each year of probation, Respondent shall take and complete an accredited program of a minimum of 25 hours of CME providing a comprehensive review of current issues in family practice, proposed by Respondent and subject to the prior written approval of the Director. During the first year of probation, Respondent shall complete the course or program within the first six months of the effective date of this Order, unless the Director of OPMC approves an extension in writing.
9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.