



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

October 15, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mark Joel Goldstein, D.O.
4020 N. Scottsdale Road #108
Scottsdale, Arizona 85251

RE: License No. 124251

Effective Date: 10/22/96

Dear Dr. Goldstein:

Enclosed please find Order #BPMC 96-245 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Karen Carlson, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
MARK JOEL GOLDSTEIN, D.O. : BPMC #96-245

-----X

Upon the Application of Mark Joel Goldstein, D.O. to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

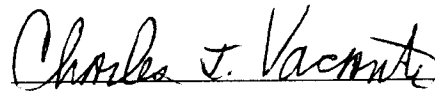
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 9 October 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
MARK JOEL GOLDSTEIN, ~~M.D.~~ : LICENSE

STATE OF ARIZONA)

SS.:

COUNTY OF *MARICOPA*)

C.O. M/J/G
Mark Joel Goldstein, ~~M.D.~~, being duly sworn, deposes
and says:

On or about July 1, 1975, I was licensed to practice
medicine as a physician in the State of New York having been
issued License No. 124251 by the New York State Education
Department.

I am not currently registered with the New York State
Education Department to practice as a physician in the State of
New York.

I understand that I have been charged with one Specification
of professional misconduct as set forth in the Statement of
Charges, annexed hereto, made a part hereof, and marked as
Exhibit A.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegations.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice 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.



MARK JOEL GOLDSTEIN, D.O.
Respondent

Sworn to before me this

27 day of SEPTEMBER, 1996

Steven D. Mitchell

NOTARY PUBLIC

My Commission Expires 12-29-96

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


-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
MARK JOEL GOLDSTEIN, D.O. : LICENSE


-----X

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


Date: 9/27, 1996


MARK JOEL GOLDSTEIN, D.O.
Respondent

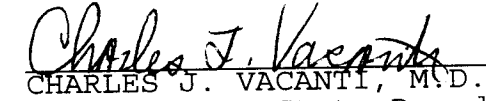
Date: 9/30, 1996


KAREN EILEEN CARLSON
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 10/1, 1996


ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

Date: 9 October 1996


CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

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

-----x

IN THE MATTER : NOTICE OF
OF : REFERRAL
MARK JOEL GOLDSTEIN, D.O. : PROCEEDING

-----x

TO: MARK JOEL GOLDSTEIN, D.O.
4020 N. Scottsdale Road, #108
Scottsdale, AZ 85251

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 30th day of October, 1996 at 10:00 in the forenoon of that day at the Legislative Office Building, 7th Floor - Room 711A, Empire State Plaza, Albany, New York 12248.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the

nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 15, 1996.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 15, 1996 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in

writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
September 5, 1996



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Karen E. Carlson
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MARK JOEL GOLDSTEIN, D.O. : CHARGES

-----X

Mark Joel Goldstein, D.O., the Respondent, was authorized to practice medicine in New York State on July 1, 1975 by the issuance of license number 124251 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

- 1992 MJD
GL
1. Respondent, on or about December 15, ~~1995~~ was disciplined by the Arizona Board of Osteopathic Examiners in Medicine and Surgery [hereafter the "Board"] for practice which might constitute a danger to the health, welfare or safety of the patient or the public or condition which might impair his ability safely and skillfully to practice medicine. Respondent was also disciplined for violating probation as set forth by the Board.
 2. More specifically, Respondent was disciplined for his driving while under the influence of alcohol and driving at an excessive speed. This was found to be a violation of the terms of Probation Respondent was serving with the

board, in violation of Arizona Revised Statutes §32-1854(26) as well as in violation of Arizona Revised Statutes §32-1854(19).

3. Respondent was disciplined in a Consent to Entry of Order and Findings of Fact, Conclusions of Law and Order dated February 26, 1992. Respondent was placed on a ninety day suspension of his license to practice medicine in Arizona and given a three year extension of his probation.
4. The conduct resulting in the discipline imposed on Respondent would, if committed in New York State constitute professional misconduct under N.Y. Educ. Law §6530(7) (McKinney Supp. 1996) [practicing while impaired] and N.Y. Educ. Law §6530(29) (McKinney Supp. 1996) [violating any term of probation].
5. Respondent, on or about June 8, 1992, was convicted of Reckless Driving, a misdemeanor, in violation of Arizona Revised Statutes §28-693(A).
6. Respondent admitted his guilt to the crime of Reckless Driving and was sentenced to a seven hundred and fifty dollar fine and a one year suspension of his driver's license. Respondent was furthered sentenced to alcohol screening and treatment as warranted by the screening.
7. The crime that Respondent was convicted of, if committed in

this state, would constitute a crime under New York state law under N.Y. Vehicle and Traffic Law §1212 (McKinney 1996).

SPECIFICATIONS

FIRST SPECIFICATION

DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would if committed in New York State constitute professional misconduct under the laws of New York State in that Petitioner charges:

1. The facts in Paragraphs 1, 2, 3, and/or 4.

SECOND SPECIFICATION


CRIMINAL CONVICTION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1996) by reason of his having been convicted of committing an act constituting a

crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

2. The facts in paragraphs 5, 6, and/or 7.

DATED: *September 5*, 1996
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct