



New York State Board for Professional Medical Conduct

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

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NYS Department of Health

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Office of Professional Medical Conduct
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Bureau of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 4, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Richard Halpert, M.D.

REDACTED

RE: License No. 167013

Dear Dr. Halpert:

Enclosed please find Order #BPMC 99-197 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 4, 1999.**

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,

REDACTED
Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Charles L. Bach, Jr. Esq.
Heidell, Pittoni, Murphy & Bach LLP
99 Park Avenue
New York, NY 10016-1601

Claudia Morales Bloch, Esq.

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

**IN THE MATTER
OF
RICHARD HALPERT, M.D.**

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-197

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

RICHARD HALPERT, M.D., (Respondent) being duly sworn, deposes and says:

That on or about July 16, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 167013 by the New York State Education Department.

My current address is REDACTED, 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 one specification of professional misconduct.

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

I agree not to contest the allegation, in full satisfaction of the charge against me. I hereby agree to the following penalty:

A censure and reprimand and a fine in the amount of \$5,000.00.

Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

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

That 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.

REDACTED

RICHARD HALPERT, M.D.
RESPONDENT

DATED 6/16/99

Sworn to before me
on this 16 day of
June 1999

REDACTED

NOTARY

PATRICIA A. MARKEY
NOTARY PUBLIC, State of New York
No. 4840169
Qualified in Suffolk County
Term Expires 10/31/99

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

DATE: 7-6-99

REDACTED
CHARLES L. BACH, JR., ESQ.
Attorney for Respondent

DATE: 7/14/99

REDACTED
CLAUDIA MORALES BLOCH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 7/21/99

REDACTED
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
RICHARD HALPERT, M.D.**

**CONSENT
ORDER**

Upon the proposed agreement of RICHARD HALPERT, M.D.
(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: 7/22/99

REDACTED

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

IN THE MATTER
OF
RICHARD HALPERT, M.D.

STATEMENT
OF
CHARGES

RICHARD HALPERT, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 16, 1986, by the issuance of license number 167013 by the New York State Education Department.

FACTUAL ALLEGATION

On or about October 27, 1992 and/or October 28, 1992, Respondent submitted one or two specimens to a laboratory which he knew or should have known were mislabeled as to the donor of the specimen.

SPECIFICATION OF CHARGE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1999) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or wilfully impeding or obstructing such filing, or inducing another person to do so, as alleged in the factual allegations set forth above.

"EXHIBIT A"

DATED: May , 1999
New York, New York

REDACTED

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct