



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

September 23, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Steven K. Jacobs, M.D.
Atlanta Neurosurgical Center
Northlake Regional Physicians Building
1459 Montreal Road
Suite 502
Atlanta, Georgia 30084

RE: License No. 170107
Effective Date: 9/30/94

Dear Dr. Jacobs:

Enclosed please find Order #BPMC 94-193 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,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
STEVEN K. JACOBS, M.D. : BPMC #94-193
-----X

Upon the application of STEVEN K. JACOBS, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

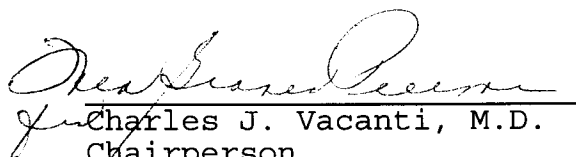
ORDERED, that the application and the provisions
thereof are hereby adopted and so ORDERED, and it is further

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

SO ORDERED,

DATED:

September 19, 1994



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
: APPLICATION
IN THE MATTER :
OF : FOR
STEVEN K. JACOBS, M.D. : CONSENT
: ORDER
-----X

STATE OF GEORGIA)
COUNTY OF) ss.:

STEVEN K. JACOBS, M.D., being duly sworn, deposes and
says:

That on or about May 14, 1987 I was licensed to practice
as a physician in the State of New York, having been issued
License No. 170107 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 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 do not contest the allegations of misconduct specified
in the Statement of Charges.

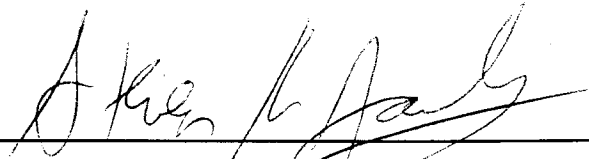
I hereby agree to the penalty of one hundred (100) hours of community service.

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

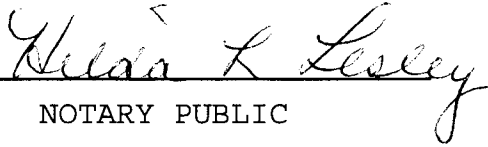
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


STEVEN K. JACOBS, M.D.
RESPONDENT

Sworn to before me this
26 day of August, 1994

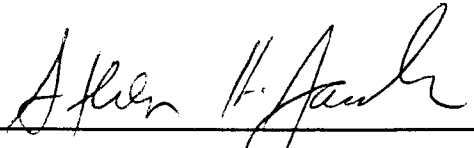

NOTARY PUBLIC

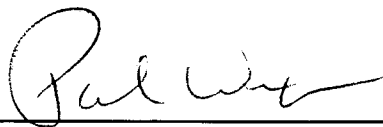
Notary Public, Gwinnett County, Georgia
My Commission Expires October 18, 1995

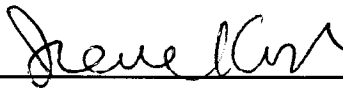
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : APPLICATION
OF : FOR
STEVEN K. JACOBS, M.D. : CONSENT
: ORDER
-----X

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

Date: 8/26/94 * 
STEVEN K. JACOBS, M.D.
RESPONDENT

Date: 7/12/94 
PAUL WEXLER, ESQ.
ATTORNEY FOR RESPONDENT

Date: 9/7/94 
IRENE KOCH
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

* See attached letter which is incorporated herein.

Date:

September 14, 1994

Jane Sullivan

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

September 19, 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT A

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

-----X

IN THE MATTER	:	STATEMENT
OF	:	OF
STEVEN K. JACOBS, M.D.	:	CHARGES

-----X

STEVEN K. JACOBS, M.D., the Respondent, was authorized to practice medicine in New York State on May 14, 1987 by the issuance of license number 170107 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

- A. Beginning in or about October, 1987, investigations and inquiries were conducted by the Food and Drug Administration, the Department of Health and Human Services, and Montefiore Medical Center seeking, inter alia, to identify the source of supply of quantities of Interleukin-2 ("IL-2") utilized by certain members of the Montefiore Medical Center Department of Neurosurgery. Despite Respondent's knowledge, prior to

October 6, 1987, that the Department of Oncology had, with the consent of its Chairman, been the source of the IL-2, he intentionally failed to disclose this knowledge and intentionally, falsely reported that the IL-2 had been supplied by a lab technician from the Department of Oncology, and without the consent of its Chairman. Said intentional failure to disclose and false reporting occurred on occasions including but not limited to:

- 1) a telephone call dated October 6, 1987 to the Food and Drug Administration; and
- 2) a letter dated October 7, 1987 to the National Institute of Health.

SPECIFICATION OF CHARGES

FAILING A FALSE REPORT

Respondent is charged with committing professional misconduct in that he has willfully filed a false report within the meaning of N.Y. Educ. Law Section 6530 (21) (McKinney Supp. 1994), as Petitioner alleges in:

1. The facts in paragraphs A, A(1), and A(2).

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

ATLANTA NEUROSURGICAL CENTER

Northlake Regional Physicians Building
1459 Montreal Road
Suite 502
Atlanta, Georgia 30084

Steven K. Jacobs, M.D., Ph.D.

404/939-3700
FAX: 404/939-4375

August 26, 1994

To whom it may concern:

This letter is forwarded in conjunction with and as part of the Consent Order I am executing.

Several factors related to my signing the enclosed Consent Order need to be recognized:

1. The false statements made in the letter of October 7, 1987 to the National Institutes of Health and in a phone call October 6, 1987 to the Food and Drug Administration were made by myself under coercion and duress. The statements were made as part of a coverup story generated at Montefiore Medical Center at that time. The coverup story was broken after I "blew the whistle" on those individuals responsible and petitioned the F.D.A. to conduct an Independent investigation into the matter. While the investigation by Montefiore maintained the coverup story to be true, the F.D.A. found the coverup story to be false. I had just completed my residency training in December 1986 and was a junior staff physician at Montefiore in October, 1987. It should be noted that the letter of October 7, 1987 was not written by me but rather by Dr. Peter Wiernik who was Chairman of the Department of Oncology at Montefiore. I cosigned the letter at Dr. Wiernik's insistence.

2. It was I who voluntarily came forward with the truth less than twelve weeks later reversing the statements made in the phone call and letter referred to above. It was I who vigorously petitioned the F.D.A. to investigate the coverup despite the fact that Montefiore's "investigation" maintained that there was no coverup. I was asked to resign my staff position at Montefiore shortly after their investigation.

3. I sued Montefiore Medical Center and Drs. Peter Wiernik and Paul Kornblith regarding my being made a scapegoat in the coverup and was awarded a substantial amount of money as the case was settled. The suit was filed in the Supreme Court of the State

August 26, 1994
Page 2

of New York.

4. I believe that the New York Board has taken the statements which form the basis of the charges against me out of context and that the charges are therefore unjust. Although the statements were quickly and voluntarily reversed by me they were nevertheless made and I have therefore signed this Consent Order.

Sincerely,



Steven K. Jacobs M.D., Ph.D.