



Board for Professional Medical Conduct

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

October 5, 1992

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Daniel Harry Kamen, M.D.
115 West 28th Street
New York, New York 10001

RE: License No. 022746
Effective Date 10/07/92

Dear Dr. Kamen:

Enclosed please find Order #BPMC 92-76 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 12237-0614

Sincerely,

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

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

IN THE MATTER
OF
DANIEL HARRY KAMEN, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

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

DANIEL HARRY KAMEN, M.D., being duly sworn, deposes and says:

On or about June 28, 1928, I was licensed to practice as a physician in the State of New York having been issued License No. 022746 by the New York State Education Department.

I am currently registered to practice as a physician in the State of New York for the period January 1, 1991 through December 31, 1992. My registration address is 115 West 28th Street, New York, New York. 115 West 28th Street, New York, New York.

I understand that I have been charged with fourteen specifications 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 agree not to contest the allegations made in the Statement of Charges.

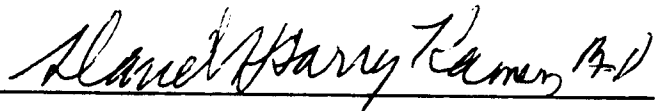
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

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

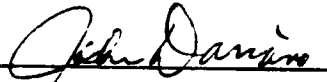
striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



DANIEL HARRY KAMEN, M.D.
Respondent

Sworn to before me this
8 day of September, 1992



NOTARY PUBLIC

JOHN DAVINO
NOTARY PUBLIC STATE OF NEW YORK
No. 60489770
Qualified in Westchester County
Qualified in Bronx County
Exp. 12/31/94

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

IN THE MATTER

OF

DANIEL HARRY KAMEN, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

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

Date: 9-8, 1992

Daniel Harry Kamen, M.D.
DANIEL HARRY KAMEN, M.D.
Respondent

Date: September 9, 1992

Fuchsberg & Fuchsberg
IRWIN M. BERG, ESQ.
FUCHSBERG & FUCHSBERG
Attorneys for Respondent

Date: September 11, 1992

Paul Stein
PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DANIEL HARRY KAMEN, M.D.

Date: Oct 2, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 1 October, 1992

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

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IN THE MATTER	:	STATEMENT
OF	:	of
DANIEL HARRY KAMEN, M.D.	:	CHARGES

-----X

DANIEL HARRY KAMEN, M.D., the Respondent, was authorized to practice medicine in New York State on June 28, 1928 by the issuance of license number 022746 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992.

FACTUAL ALLEGATIONS

- A. Between on or about August 18, 1986 and January 23, 1987, on approximately 20 occasions, Respondent treated Patient A (Patient A and all other patients are identified in the attached appendix), a 32 year old male, for complaints of pain of the right lower back and right leg, at his offices at 115 West 28th Street, New York, New York. Between on or about February 2, 1987 and September 10, 1987, on approximately 5 occasions, Respondent prescribed

medication for Patient A without any visit by or to Patient A.

1. Respondent failed throughout the period of treatment to obtain and note an adequate history.
2. Respondent failed throughout the period of treatment to perform and note an adequate physical examination.
3. Respondent failed throughout the period of treatment to maintain adequate progress notes regarding the course of treatment of Patient A.
4. Respondent failed throughout the period of treatment to monitor Patient A's use of controlled substances and to order any laboratory tests to screen Patient A for abuse of alcohol or controlled substances.
5. On or about each of the following dates, Respondent inappropriately prescribed controlled substances for Patient A:
 - a. February 2, 1987 - Placidyl, Valium, and Xanax
 - b. March 15, 1987 - Tylenol #4 (with codeine) and Adipex P
 - c. July 14, 1987 - Placidyl and Adipex P

- d. September 3, 1987 - Placidyl, Darvocet, Valium, and Adipex P
- e. September 10, 1987 - Placidyl, Valium, Xanax, and Didrex

B. Between on or about March 6, 1986 and July 22, 1987, on approximately 90 occasions, Respondent treated Patient B, a 53 year old male, for complaints of right shoulder pain, at his medical offices at 115 West 28th Street, New York, New York.

- 1. Respondent failed throughout the period of treatment to obtain and note an adequate history.
- 2. Respondent failed throughout the period of treatment to perform and note an adequate physical examination.
- 3. Respondent treated Patient B on approximately 90 occasions over a 16 and 1/2 month period. Respondent failed to note any condition for which approximately 90 treatments were indicated, and, in fact, approximately 90 treatments were not warranted by the condition of Patient B.
- 4. Respondent failed throughout the period of treatment

to maintain adequate progress notes regarding the course of treatment of Patient B.

- C. Between on or about June 10, 1988 and February 14, 1989, on approximately 50 occasions, Respondent treated Patient C, a 44 year old male, for a sprain of the right lumbar region, a sprain of the right shoulder and tenderness and rebound of the abdomen, at his medical offices at 115 West 28th Street, New York, New York.
1. Respondent failed throughout the period of treatment to obtain and note an adequate history.
 2. Respondent failed throughout the period of treatment to perform and note an adequate physical examination.
 3. Respondent treated Patient C on approximately 50 occasions over an 8 month period. Respondent failed to note any condition for which approximately 50 treatments were indicated, and, in fact, approximately 50 treatments were not warranted by the condition of Patient C.
 4. Respondent failed throughout the period of treatment to maintain adequate progress notes regarding the course of treatment of Patient C.

D. Between on or about February 15, 1988 and May 27, 1988, on approximately 27 occasions, Respondent treated Patient D, a 40 year old male, for a sprained left elbow and shoulder, at his medical offices at 115 West 28th Street, New York, New York.

1. Respondent failed throughout the period of treatment to obtain and note an adequate history.
2. Respondent failed throughout the period of treatment to perform and note an adequate physical examination.
3. Respondent treated Patient D on approximately 27 occasions over a 3 and 1/2 month period. Respondent failed to note any condition for which approximately 27 treatments were indicated, and, in fact, approximately 27 treatments were not warranted by the condition of Patient D.
4. Respondent failed throughout the period of treatment to maintain adequate progress notes regarding the course of treatment of Patient D.

E. Between on or about March 24, 1988 and June 3, 1988, on approximately 18 occasions, Respondent treated Patient E,

a 31 year old male, for a burn of the left hand with blister formation.

1. Respondent failed throughout the period of treatment to obtain and note an adequate history.
2. Respondent failed throughout the period of treatment to perform and note an adequate physical examination.
3. Respondent treated Patient E on approximately 18 occasions over a 2 and 1/2 month period. Respondent failed to note any condition for which approximately 18 treatments were indicated, and, in fact, approximately 18 treatments were not warranted by the condition of Patient E.
4. Respondent failed throughout the period of treatment to maintain adequate progress notes regarding the course of treatment of Patient E.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law section 6530(4) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in Paragraphs A and A1-5.

SECOND SPECIFICATION

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence under N.Y. Educ. Law Section 6530(6) (McKinney Supp. 1992), in that Petitioner charges:

2. The facts in Paragraphs A and A1-5.

THIRD SPECIFICATION

PRACTICING WITH NEGLIGENCE ON

MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1992), in that Petitioner charges that Respondent committed at least two of the following:

3. The facts in Paragraphs A and A1-5; B and B1-4; C and C1-4; D and D1-4; and/or E and E1-4.

FOURTH SPECIFICATIONS

PRACTICING WITH INCOMPETENCE ON

MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1992), in that Petitioner charges that Respondent committed at least two of the following:

4. The facts in Paragraphs A and A1-5; B and B1-4; C and C1-4; D and D1-4; and/or E and E1-4.

FIFTH THROUGH NINTH SPECIFICATIONS

EXCESSIVE TREATMENT

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(35) (McKinney Supp. 1992), in that he ordered excessive tests, treatment or use of treatment facilities not warranted by the condition of the patient. Petitioner specifically charges:

5. The facts in Paragraphs A and A5.
6. The facts in Paragraphs B and B3.
7. The facts in Paragraphs C and C3.
8. The facts in Paragraphs D and D3.
9. The facts in Paragraphs E and E3.

TENTH THROUGH FOURTEENTH SPECIFICATIONS

FAILING TO MAINTAIN A RECORD

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1992), in that he failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Petitioner specifically charges:

10. The facts in Paragraphs A and A1-3.
11. The facts in Paragraphs B and B1-4.
12. The facts in Paragraphs C and C1-4.
13. The facts in Paragraphs D and D1-4.
14. The facts in Paragraphs E and E1-4.

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

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

-----X

IN THE MATTER :
OF : ORDER
DANIEL HARRY KAMEN, M.D. : BPMC 92-76

-----X

Upon the Application of Daniel Harry Kamen, M.D.
(Respondent) to Surrender his or her 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 Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; 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 via certified mail, whichever is
earliest.

SO ORDERED,

DATED:

1 October 1992

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson

State Board for Professional
Medical Conduct