



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., Dr.P.H.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

October 30, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Herbert A. Kaplan, M.D.
9911 West Pico Blvd.
Los Angeles, CA 90275

RE: License No. 100419

Dear Dr. Kaplan:

Enclosed please find Order #BPMC 00-290 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 30, 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: David L. Rosner, Esq
12400 Wilshire Blvd., Suite 900
Los Angeles, CA 90025

Robert Bogan, Esq.

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

IN THE MATTER
OF
HERBERT A. KAPLAN, M.D.

SURRENDER
ORDER
BPMC No. 00-290

HERBERT A. KAPLAN, M.D., says:

On or about December 11, 1967, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 100419 by the New York State Education Department. I currently reside at 9911 West Pico Blvd., Los Angeles, CA 90275.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the two (2) specifications as set forth in the Statement of Charges (Exhibit A).

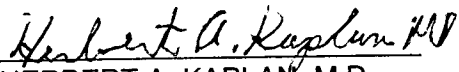
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

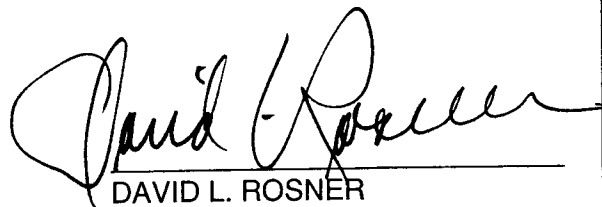
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind of manner.

Date: 10/4/00, 2000

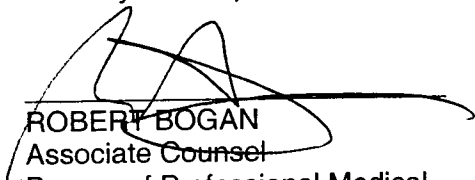

HERBERT A. KAPLAN, M.D.
Respondent

AGREED TO:

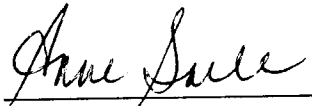
Date: 10/10/, 2000


DAVID L. ROSNER
Attorney for Respondent

Date: 10/18, 2000


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: October 19, 2000


ANNE F. SAILE
Director, Office of Professional
Medical Conduct

ORDER

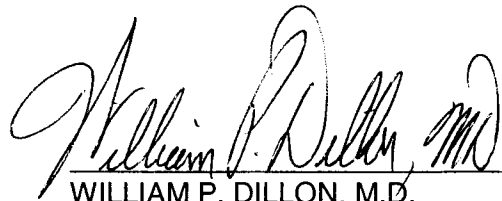
Upon the proposed agreement of HERBERT A. KAPLAN, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/24, 2000



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

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

IN THE MATTER
OF
HERBERT A. KAPLAN, M.D.

STATEMENT
OF
CHARGES

HERBERT A. KAPLAN, M.D., the Respondent, was authorized to practice medicine in New York state on December 11, 1967, by the issuance of license number 100419 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 10, 2000, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by Decision and Order (hereinafter "California Order"), accepted the Surrender or Respondent's physician's and surgeon's certificate, based on mental illness as a result of which he is unable to continue practicing medicine with due regard to interests of the public.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(7) (practicing the profession while impaired by mental disability).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based 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 paragraph A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by reason of having voluntarily surrendered his license or having had other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the voluntary surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: _____, 2000
Albany, New York

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