



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

November 13, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ira S. Kaufman, M.D.
5757 Westheimer
Houston, Texas 77057

RE: License No. 108953

Dear Dr. Kaufman:

Effective Date: 11/20/95

Enclosed please find Order #BPMC 95-274 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: Irene Koch, Esq.

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

IN THE MATTER
OF
IRA SAUL KAUFMAN, M.D.

CONSENT
ORDER
BPMC #95-274

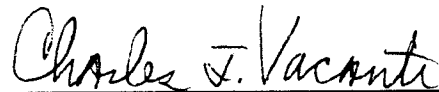
Upon the application of IRA SAUL KAUFMAN, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 2 November 1995



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

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

IN THE MATTER
OF
IRA SAUL KAUFMAN, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF TEXAS)
COUNTY OF **HARRIS**)

ss.:

IRA SAUL KAUFMAN, M.D., being duly sworn, deposes and says:

That on or about June 29, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 108953 by the New York State Education Department.

My current address is 5757 Westheimer, Houston, Texas 77057, 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 two specifications of professional misconduct.

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

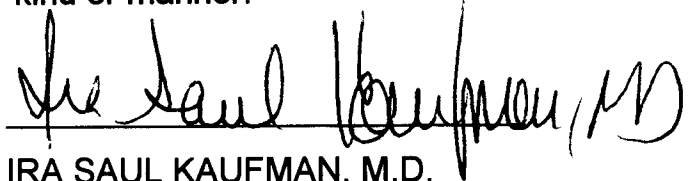
I admit guilt to the specifications, in full satisfaction of the charges against me. I hereby agree to the penalty that my license to practice medicine be suspended for a period of two years, and said suspension be entirely stayed, and that I be placed on probation for a period of ten years subject to the terms enumerated in Exhibit "B", annexed hereto and made a part hereof, and that such probation be tolled until and unless I commence the active practice of medicine in New York State.

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.

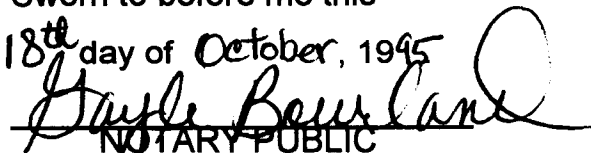
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

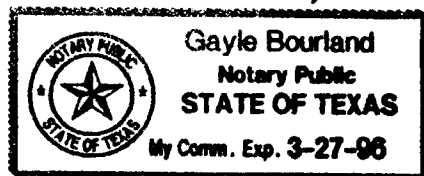
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



IRA SAUL KAUFMAN, M.D.
RESPONDENT

Sworn to before me this
18th day of October, 1995


NOTARY PUBLIC
Harris County



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

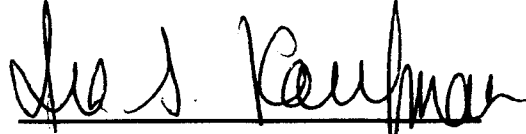
IN THE MATTER
OF
IRA SAUL KAUFMAN, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE:

10/16/95



IRA SAUL KAUFMAN, M.D.
Respondent

DATE:

_____, ESQ.
Attorney for Respondent (If any)

DATE:

10/25/95



IRENE M. KOCH
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: Oct. 30, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 2 November 1995

Charles J. Vacanti

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

EXHIBIT "A"

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

**IN THE MATTER
OF
IRA SAUL KAUFMAN, M.D.**

**STATEMENT
OF
CHARGES**

IRA SAUL KAUFMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 29, 1971, by the issuance of license number 108953 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 19, 1994, the Texas State Board of Medical Examiners ("Texas Board") issued an Agreed Order, suspending Respondent's license to practice medicine in Texas, staying such suspension, and placing Respondent on probation for a period of ten years. The Texas Board found, among other things, that (a) on or about September 24, 1992, Respondent possessed and attempted to possess a controlled substance by fraud in that he prepared and issued a prescription purportedly to dispense a controlled substance (Demerol) to a person who was not his patient and for whom Respondent had no valid medical purpose prescribing, and Respondent presented said prescription to a licensed pharmacist thereby inducing said pharmacist to dispense the controlled substance to Respondent; (b) on or about February 7, 1992, Respondent intentionally possessed and attempted to possess a controlled substance by fraud in that he prepared and issued a prescription purportedly to dispense a controlled substance (Demerol) to a person who was not his patient and for whom Respondent had no valid medical purpose

prescribing, and Respondent presented said prescription to a licensed pharmacist thereby inducing said pharmacist to dispense the controlled substance to Respondent; (c) beginning on or about February 7, 1992, Respondent consumed drugs, including but not limited to Demerol, for no valid medical purpose, some of which were obtained by his writing prescriptions in the matter described above; and (d) Respondent was impaired by the use of drugs and alcohol prior to January 18, 1993, and continued to practice medicine during the period of time he was impaired. These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Section 6530(2) (practicing the profession fraudulently) (McKinney Supp. 1995); N.Y. Educ. Law Section 6530(7) (practicing the profession while impaired) (McKinney Supp. 1995); N.Y. Educ. Law Section 6530(8) (being impaired) (McKinney Supp. 1995).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

1. Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1995) by 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 the facts in Paragraph A.

SECOND SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN

2. Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1995) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state in that Petitioner charges the facts in Paragraph A.

DATED: September , 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. **IRA SAUL KAUFMAN, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her profession;**
2. **Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;**
3. **Respondent shall submit written notification to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, prior to commencing or resuming the active practice of medicine in New York State, that he intends to practice medicine in New York State;**
4. **Respondent shall not commence or resume the active practice of medicine in New York State until after he has obtained approval by the Director of the Office of Professional Medical Conduct as to the terms of the monitoring and supervision of his practice. The monitoring and supervision required as part of the Terms of Probation shall remain in effect and shall not be interrupted or interfered with in any way;**
5. **Respondent shall remain drug and alcohol free.**
6. **Respondent's sobriety shall be monitored by a health care professional ("monitor") who shall be selected by the Respondent subject to the approval of the Director of OPMC. Any successor monitor must also be approved by the Director of OPMC. The monitor shall not be a personal friend, nor a relative of Respondent and shall be familiar with Respondent's history of chemical dependency (drugs and alcohol) and the Terms of Probation contained herein. The monitor shall acknowledge his/her willingness to comply with the monitoring by executing the acknowledgement provided by OPMC. The monitor shall see Respondent at least bi-weekly, and shall direct Respondent to submit to random, unannounced, observed tests of his blood, breath, and/or urine for the presence of drugs or alcohol ("screens"). The frequency of the screens shall be determined by the monitor with the approval of the Director of OPMC, however, during the first twelve months of probation, screens shall be conducted at least bi-weekly. The monitor shall report to OPMC within 24 hours after a positive test result or Respondent's refusal of a screen. The monitor shall promptly report to OPMC quarterly reports either certifying Respondent's compliance or detailing his failure to comply with each of the terms of probation. The reports shall include the results of all**

body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.

7. Respondent shall inform all physicians or other healthcare practitioners from whom he seeks treatment of his history of chemical dependency. In the event that Respondent is ever prescribed controlled substances, Respondent shall notify his monitor and the Director of OPMC before such medications are administered, or at the earliest opportunity after administration of controlled substances after emergency medical treatment. Respondent shall not self-prescribe any medication.
8. Respondent shall comply with the terms of a continuing aftercare treatment plan that addresses his chemical dependency. Respondent shall attend meetings of Alcoholics Anonymous or another organization acceptable to OPMC on a regular basis not less than three times a week. Such plan shall include Respondent's active participation in Narcotics Anonymous, Caduceus or other similar programs. Such plan shall also include Respondent's treatment by a therapist approved by the Director of OPMC on at least a weekly basis. Any successor therapist must also be approved by the Director of OPMC. Respondent's therapist shall submit to OPMC monthly reports during the first twelve months of probation, and quarterly reports thereafter, certifying that Respondent is complying with treatment. The therapist shall report to the Director of OPMC within 24 hours after Respondent drops out of treatment or in the event of a significant pattern of absences from scheduled treatment sessions. The therapist shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing an acknowledgement provided by OPMC. In the event that the therapist determines that treatment is no longer necessary or that the specific requirements for treatment set forth in this paragraph should be altered, he/she shall so notify the Director of OPMC in writing, and the terms of this paragraph may be amended accordingly with the approval of the Director of OPMC.
9. Respondent shall submit to periodic interviews with and evaluations by a psychiatrist designated by the Director of OPMC. Said psychiatrist shall report to the Director regarding Respondent's condition and his fitness or impairment for the practice of medicine.
10. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
11. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which

may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

12. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
13. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
14. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
15. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.