



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau 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

July 2, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Abraham Lock, M.D.
1801 Avenue J
Brooklyn, NY 11230

RE: License No. 166176

Dear Dr. Lock:

Enclosed please find Order #BPMC 99-145 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 2, 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 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: Amy Kulb, Esq.
Jacobson and Goldberg, LLP
585 Stewart Avenue
Garden City, NY 11530

Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
ABRAHAM LOCK, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #99-145

STATE OF NEW YORK)
COUNTY OF *NASSAU*) SO.:

ABRAHAM LOCK, M.D., (Respondent) being duly sworn, deposes and says:

That on or about May 27, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 166176 by the New York State Education Department.

My current addresses are: 1335 50th Street, Brooklyn, N.Y. 11219 and 1801 Avenue J, Brooklyn, N.Y. 11230, 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 First and Second specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

5 years suspension, stayed, and 5 years probation, with terms and conditions as set forth in Exhibit "B."

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

That, except during periods of actual suspension, 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.

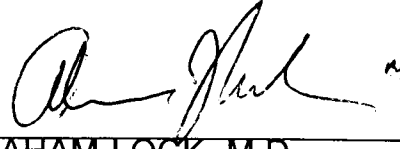
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



ABRAHAM LOCK, M.D.
Respondent

Sworn to before me this
28 day of May 1999


NOTARY PUBLIC

AMY T. KULB
NOTARY PUBLIC, State of New York
No. 02KU5034728
Qualified in Nassau County
Commission Expires October 17, 2000

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

DATE: 5/28/99

Amy S. Kull
AMY KULL, ESQ.
Attorney for Respondent

DATE: June 18, 1999

Marcia E. Kaplan
MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: June 24, 1999

Anne Saile
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
ABRAHAM LOCK, M.D.

CONSENT
ORDER

Upon the proposed agreement of ABRAHAM LOCK, M.D. (Respondent) for Consent Order, which application is made a part hereof; and in light of extraordinary service to the public rendered by Respondent, the Board finds sufficiently substantial mitigation of the misconduct of Respondent to warrant acceptance of the terms of this application. It is, therefore, 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: 6/29/99



WILLIAM P. DILLON, M.D.

Chair

State Board for Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
ABRAHAM LOCK, M.D.**

**STATEMENT
OF
CHARGES**

Abraham Lock, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 27, 1986, by the issuance of license number 166176 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 5, 1995, in the Supreme Court of the State of New York, County of New York, Respondent was convicted upon a guilty plea of Grand Larceny in the Fourth Degree, a class E felony, in violation of N.Y. Penal Law Sec. 155.30, in that from on or about January 4, 1988 to on or about November 9, 1990, Respondent, with intent to deprive another of property and to appropriate the same to himself, wrongfully took property valued in excess of \$1000 in that, while enrolled as a Medicaid provider, Respondent submitted to Computer Sciences Corporation, a fiscal agent for New York State, claims which falsely represented that he had provided Range of Motion and Comprehensive Service examinations to various Medicaid recipients, when he knew that he had not provided such services, and thereby caused New York State to pay him, through its fiscal agent, more than \$200,000 to which he was not entitled. On or about September 14, 1995, Respondent was sentenced to time served. Prior to sentencing, Respondent paid restitution of

\$200,000, as ordered by the Court at the time of and as a condition of the plea.

- B. On or about April 21, 1993, after a hearing, Respondent was found guilty in an adjudicatory proceeding of violating 18 NYCRR 515.2(b) by committing unacceptable practices, i.e. fraud or abuse, pursuant to a final decision or determination of an Administrative Law Judge of the New York Department of Social Services (F.H. #1647475M.) finding that Respondent's recordkeeping, as specified therein, did not comport with applicable standards in that Respondent failed to record an "interpretation and report" of the results of EKG tests he performed, in accordance with the MMIS Manual, in conformance with the "notation" requirement of 18 NYCRR 540.7(a)(10)(viii) . The violation would constitute professional misconduct pursuant to N.Y. Educ. Law Sec. 6530(2) (practicing the profession fraudulently or beyond its authorized scope) and/or 6530(16) (a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine) and/or 6530(21) (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 obstructing such filing, or inducing another person to do so) and/or 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient). Respondent was excluded from the Medicaid Program for one year and ordered to pay restitution of \$114, 803 plus interest. On or about October 12, 1995, the Appellate Division, Third Department, affirmed the determination of the New York State Department of Social Services. No further appeal is currently pending.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF A CRIME

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i)(McKinney Supp. 1999) by having been convicted of committing an act constituting a crime under New York state law, as alleged in the following:

1. Paragraph A.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY IN

AN ADJUDICATORY PROCEEDING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(c)(McKinney Supp. 1999) by having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to this section, as alleged in the following:

2. Paragraph B.

DATED: May , 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct



EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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 section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation that were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

