



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

March 12, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew S. Malbin, M.D.
2830 Morrison Avenue
Tampa, Florida 33629

RE: License No. 147633

Dear Dr. Malbin:

Enclosed please find Order #BPMC 97-63 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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Michael Blazicek, Esq.
Stephens, Lynn, Klein and McNicholas, PA
101 East Kennedy Boulevard
Suite 2500
Tampa, Florida 33602

Bradley Mohr, Esq.

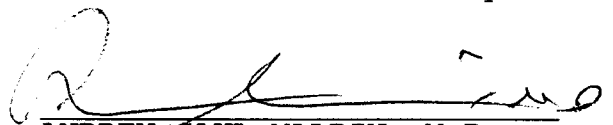
I agree that in the event that I am charged with professional misconduct in the future, this Consent Order and the Statement of Charges herein shall be admitted into evidence in said proceeding.

I hereby present my proposed agreement to the State Board for Professional Medical Conduct (the Board) and request that a Consent Order be issued.

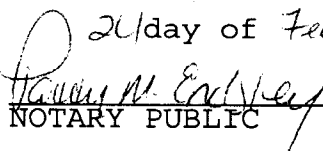
I understand that, in the event that the Board does not agree to issue a Consent Order, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the 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 that my proposed agreement is acceptable to the Board, this Order of the Chairperson of the Board shall be issued in accordance with same.

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


ANDREW SAUL MALBIN, M.D.
RESPONDENT

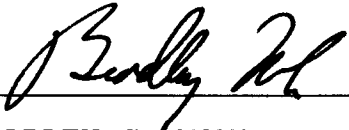
Sworn to before me this
21 day of February, 1997.


NOTARY PUBLIC

OFFICIAL NOTARY SEAL
PATTY M. ENGLEY
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC355708
MY COMMISSION EXP. MAR. 14, 1998

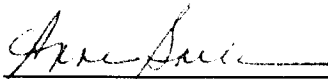
AGREED TO:

DATE: March 3, 1997



BRADLEY C. MOHR
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: March 6, 1997



ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

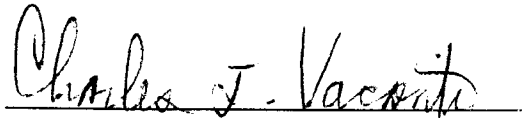
ORDER

Upon the proposed agreement of ANDREW SAUL MALBIN, M.D. (Respondent) for Consent Order, 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; 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.

DATED: 7 March 1997



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
ANDREW SAUL MALBIN, M.D. : CHARGES

-----X

ANDREW SAUL MALBIN, M.D., the Respondent, was authorized to practice medicine in New York State on September 11, 1981, by the issuance of license number 147633 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

1. Respondent on or about September 11, 1996, was disciplined by the State of Florida, Agency For Health Care Administration, Board of Medicine. The State of Florida Agency, For Health Care Administration, Board of Medicine, entered into a Consent Agreement with Respondent, requiring him to attend Continuing Medical Education in Medical Ethics and imposing a fine in adjudicatory case No. 95-11496.

2. The conduct resulting in the discipline imposed by the State of Florida, Agency For Health Care Administration, Board of Medicine, on Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(23) [release of patient information without authorization] and N.Y.

Educ.Law §6530(13) [PHL §230(11) failure to report professional misconduct].

3. Respondent entered into a Consent Agreement with the State of Florida, Agency For Health Care Administration, Board of Medicine, which was adopted by Final Order No. AHCA-96-00967, on or about August 30, 1996. Respondent was charged with discussing a deceased patient's medical condition and releasing their medical records without authorization to a third party and for failure to report to the State of Florida, Agency For Health Care Administration, Division of Medical Quality Assurance, a physician who requested and received information regarding a patient, without having authorization from said patient's next of kin.

4. The conduct of which Respondent was charged with by the State of Florida, Agency For Health Care Administration, Board of Medicine, involved discussing and releasing the results of a deceased patient's toxicology report, without authorization from the patient's next of kin to another physician who had requested it for personal reasons unrelated to medical care and for failing to report that physician to the Division of Medical Quality Assurance.

5. The State of Florida, Agency For Health Care Administration, Board of Medicine entered into a Consent Order with Respondent requiring him to attend eight (8) hours of Continuing Medical Education in Medical ethics and imposed a fine of \$2,500.00.

FIRST SPECIFICATION

DISCIPLINARY ACTION TAKEN

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) by reason of his having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation 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 paragraphs 1,2,3,4 and/or 5..

DATED: *March 3*, 1997
Albany, New York

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