



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.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

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

March 13, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alfred Malinov, M.D.
82 Crossway Drive
Deer Park, New York 11729

RE: License No. 085644

Dear Dr. Malinov:

Enclosed please find Order #BPMC 01-65 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 13, 2001.

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: Robert Wilkie, Esq.
Wilkie and Wilkie
33 Hilton Avenue
Hempstead, New York 11550-2119

Jean Bresler, Esq.

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

IN THE MATTER
OF
ALFRED MALINOV, D.O.

SURRENDER
OF
LICENSE

BPMC No. 01-65

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

ALFRED MALINOV, D.O., being duly sworn, deposes and says:

On or about February 20, 1961, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 085644 by the New York State Education Department.

My current address is 82 Crossway Dr. Deer Park, NY 11729 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification 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 charges against me in full satisfaction of the Statement of Charges.

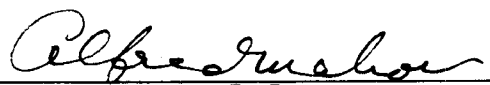
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

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 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 3/1/01


Alfred malinov, D.O.
RESPONDENT

Sworn to before me

on this 1 day of
MARCH 2001



NOTARY

ROBERT A. WILKIE
NOTARY PUBLIC, State of New York
No 30-4636220
Qualified in Nassau County
Commission Expires March 30, 2002

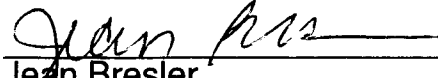
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 3/1/01



Robert Wilkie, Esq.
Attorney for Respondent

Date: 3/7/01



Jean Bresler
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 3/9/01



Dennis Grazianno, Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
ALFRED MALINOV, M.D.

SURRENDER
ORDER

Upon the proposed agreement of ALFRED MALINOV, D.O. (Respondent) 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 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 this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender 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: 3/12/01


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

IN THE MATTER
OF
ALFRED MALINOV, D.O.

STATEMENT
OF
CHARGES

ALFRED MALINOV, D.O., the Respondent, was authorized to practice medicine in New York State on or about February, 20, 1961, by the issuance of license number 085644 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A (Patients identified in Appendix A), on fifteen occasions between December 22, 1997 and April 19, 1999. patient A was operated on by another physician for an ankle fracture. He was treated by a psychiatrist. Respondent prescribed Xanax, Percocet, and Soma for Patient A On multiple occasions. Respondent's care and treatment of Patient A deviated from acceptable medical standards in that he:
1. Failed to obtain or record adequate history including Patient A's chief complaint, history of present illness, past medical history, past surgical history, social history, allergies to medications, family history, and or response to past treatment history.
 2. Failed to obtain or record a physical examination.
 3. Failed to obtain or record vital signs.
 4. Failed to provide, obtain and / or record appropriate follow up care including chief complaint, history of present illness, vital signs, physical examination and or assessment of treatment efficacy.

5. Inappropriately prescribed one or more of the following medications: Xanax, Percocet, and or Soma.
 6. Failed to provide or record assessment and or treatment of Patient A's elevated blood pressure.
- B. Respondent treated Patient B on 20 occasions between June 12, 1997 and February 5, 1999. Patient B had a history of drug dependence including opiate dependence and was on agonist therapy. He had Hodgkin's Disease Stage IV-B. Respondent prescribed Percocet, Placidyl, Ambien, Levaquin, and Donnatal. Respondent's care and treatment of Patient B deviated from acceptable medical standards in that he:
1. Failed to obtain or record an adequate history including Patient B's chief complaint, history of present illness, past medical history, past surgical history, social history, allergies to medications, family history, and or response to past treatment history.
 2. Failed to obtain or record a physical examination.
 3. Failed to obtain or record vital signs.
 4. Failed to provide or record appropriate follow up care including chief complaint, history of present illness, vital signs, physical examination and or assessment of treatment efficacy.
 5. Inappropriately prescribed one or more of the following medications: Percocet, Placidyl, Ambien, Levaquin, and/or Donnatal.
 6. Failed to record, obtain and/or provide information detailing medication effects, reactions, side effects, rationale for dosage and/or medication changes.

7. Respondent failed to address or record his treatment related to Patient B's positive drug screen for benzodiazepines and cannabinoids on December 9, 1997.

C. Patient C is a forty-seven year old man with a diagnosis of Panic Disorder. He is seen by the Respondent approximately twenty-six times between August 25, 1997 and May 6, 1999. During his treatment of Patient C the Respondent prescribed Percocet and Xanax. Respondent's care and treatment of Patient C deviated from acceptable medical standards in that he:

1. Failed to obtain or record an adequate history including Patient C's chief complaint, history of present illness, past medical history, past surgical history, social history, allergies to medications, family history, and or response to past treatment history.
2. Failed to obtain or record a physical examination.
3. Failed to obtain or record vital signs.
4. Failed to provide or record appropriate follow up care including chief complaint, history of present illness, vital signs, physical examination and or assessment of treatment efficacy.
5. Inappropriately prescribed one or more of the following medications: Percocet, and/or Xanax.
6. Failed to obtain or record the results of Urinalysis and or urine drug screen noted on December 8, 1997
7. Failed to record, obtain and/or provide information detailing medication effects, reactions, side effects, rationale for dosage and/or medication changes, rationale for refusing Xanax to Patient C on April 15, 1998 and then prescribing the same medication on April 17, 1998.

8. Failed to appropriately evaluate Patient C's history of drug abuse/dependence or make an appropriate referral.
9. Failed to provide or record assessment and or treatment of Patient C's elevated blood pressure.
10. Failed to appropriately treat Patient C's panic disorder or refer the patient for appropriate treatment.

D. Patient D is a thirty-nine year old man who saw the Respondent on approximately fifty one occasions from 1991 through April 1999. He had a history of a left cardio vascular accident some time in his twenties. He has a history of drug dependence and two motor vehicle accidents one in 1991 and another in 1993. Respondent treated Patient D with Tylenol #4, Vicodin ES, Duricef, Unipen, Amoxicillin, Alleve and Zyban. Respondent's care and treatment of Patient D deviated from acceptable medical standards in that he:

1. Failed to obtain or record an adequate history including Patient D's chief complaint, history of present illness, past medical history, past surgical history, social history, allergies to medications, family history, and or response to past treatment history.
2. Failed to obtain or record a physical examination.
3. Failed to obtain or record vital signs.
4. Failed to provide or record appropriate follow up care including chief complaint, history of present illness, vital signs, physical examination and or assessment of treatment efficacy.
5. Inappropriately prescribed one or more of the following medications: Tylenol #4 and/or Vicodin.
6. Failed to address and/or treat the patient's elevated blood pressure.

7. Failed to record, obtain and/or provide information detailing medication effects, reactions, side effects, rationale for dosage and/or medication changes.
8. Failed to appropriately evaluate Patient D's history of drug abuse/dependence or make an appropriate referral.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2001) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A, A(1) through A(6), B, B(1), through B(7), C, C(1) through C(10), D D(1) through D(8)

DATED: February , 2001
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct