



*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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*Office of Professional Medical Conduct*

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*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 27, 2001

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Nancy Bates, D.O.  
38 Palsa Avenue  
Elmwood, NJ 07407

RE: License No. 155408

Dear Dr. Bates:

Enclosed please find Order #BPMC 01-45 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 27, 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 Bogan, Esq.

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

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**IN THE MATTER**

**OF**

**NANCY BATES, D.O.  
CO-00-02-0740-A**

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**SURRENDER**

**ORDER**

BPMC #01-45

**NANCY BATES, D.O., says:**

On or about August 8, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 155408 by the New York State Education Department. I currently reside at 38 Palsa Avenue, Elmwood Park, NJ 07407.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with four (4) 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 four (4) specifications set forth in the Statement of Charges (Exhibit A).

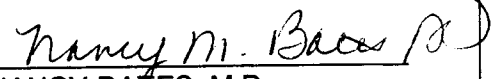
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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.

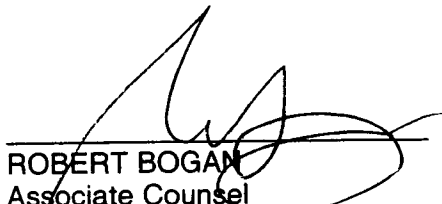
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 2/10, 2001

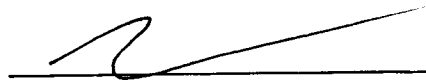
  
NANCY BATES, M.D.  
Respondent

AGREED TO:

Date: 14 February, 2001

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 02/16, 2001

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

## ORDER

Upon the proposed agreement of **NANCY BATES, D.O.**, 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: 2/22, 2001



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

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IN THE MATTER  
OF  
NANCY M. BATES, D.O.  
CO-00-02-0740-A

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STATEMENT  
OF  
CHARGES

NANCY M. BATES, D.O., the Respondent, was authorized to practice medicine in New York state on August 8, 1983, by the issuance of license number 155408 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 7, 1999, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by an Interim Order, (hereinafter "New Jersey Order 1"), accepted the Surrender of Respondent's license to practice medicine, based upon the automatic suspension of her license by operation of law for failure to have renewed her registration.

B. On or about May 10, 2000, the New Jersey Board, by a Final Order (hereinafter New Jersey Order 2), reprimanded Respondent, assessed her \$2,079.00 costs, and placed conditions on her license to practice medicine and surgery, based on practicing the profession when her registration had lapsed and her license was suspended, abandonment of patients, failure to provide patient records, and practicing while situationally depressed.

C. On or about January 10, 2001, the New Jersey Board, by an Order Accepting Retirement of License (hereinafter "New Jersey Order 3") accepted the voluntary surrender of Respondent's license to practice medicine and surgery, based on noncompliance with the terms of the New Jersey Order 2, described in paragraph B above.

D. The conduct resulting in the New Jersey Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(7) (practicing the profession while impaired by physical or mental disability);
3. New York Education Law §6530(12) (practicing the profession while the license is suspended or inactive);
4. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws rules, or regulations governing the practice of medicine);
5. New York Education Law §6530(22) (failing to make documents available);
6. New York Education Law §6530(29) (violating a term of probation or condition of limitation imposed); and/or
7. New York Education Law §6530(30) (abandoning or neglecting a patient).

### **SPECIFICATIONS**

#### **FIRST AND SECOND SPECIFICATIONS**

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

### THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York Education Law §6530(d) by reason of having voluntarily surrendered her license or having her license suspended or having had disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the voluntarily surrender of her license or suspension of her license 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:

3. The facts in paragraphs A and/or B.
4. The facts in paragraphs A, B, and/or C.

DATED: *February 13*, 2001  
Albany, New York

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