



New York State Board for Professional Medical Conduct

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

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Office of Professional Medical Conduct

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Vice Chair

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

November 16, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Arnold Samuel Nelson, M.D.
518 East First Street
Tucson, AZ 85705

RE: License No. 104670

Dear Dr. Nelson:

Enclosed please find Order #BPMC 00-325 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 16, 2000.

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: Kathleen M. Rogers., Esq.
Slutes, Sakrison, Grant and Hill, P.C.
33 North Stone Ave. Suite 1100
Tucson, AZ 85701

Robert Bogan, Esq.

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

IN THE MATTER
OF
ARNOLD SAMUEL NELSON, M.D.

CONSENT
AGREEMENT
AND ORDER

BPMC No. 00-325

SAMUEL ARNOLD NELSON, M.D., (Respondent being duly sworn deposes and says:

That on or about September 17, 1969 I was licensed to practice as a physician in the State of New York, having been issued License No. 104670 by the New York State Education Department.

My current address is 518 East First Street, Tucson, Arizona 85705 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within 30 days of any such change.

I understand that the New York State Board of Professional Medical Conduct has charged me with one (2) specifications of professional misconduct.

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

I do not contest the two (2) specifications, in full satisfaction of the charges against me, hereby agreed to the following penalties:

Five years probation under the same terms and conditions set forth in the Arizona Board of Medical Examiners, October 4, 1999, Findings and Fact, Conclusions of Law, and Order for Probation, all tolled until I return to the state of New York and resume the active practice of medicine in New York state.

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 active 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 possess his/her 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/her 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).

I agree that in the event that I am charged with professional misconduct in the future, the 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.

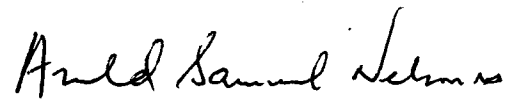
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of 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.

AFFIRMED:

DATED: _____

11/1/00



ARNOLD SAMUEL NELSON, M.D.
Respondent

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

DATE: 11-1-00


TOM SLUTES, Esq.
Attorney for Respondent

DATE: 2 November 2000


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: November 6, 2000


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
ARNOLD SAMUEL NELSON, M.D.

CONSENT
ORDER

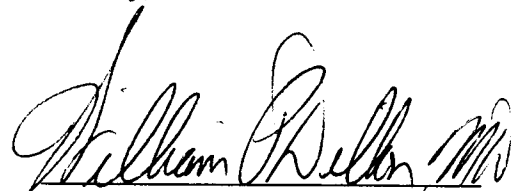
Upon the proposed agreement of ARNOLD SAMUEL NELSON, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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: 11/14/00


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

IN THE MATTER
OF
ARNOLD SAMUEL NELSON, M.D.

STATEMENT
OF
CHARGES

Arnold Samuel Nelson, M.D., the Respondent, was authorized to practice medicine in New York state on September 17, 1969, by the issuance of license number 104670 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 4, 1999, the Arizona Board of Medical Examiners (hereinafter "Arizona Board"), by a Finding of Fact, Conclusions of Law, and Order for Probation (hereinafter "Arizona Order"), placed the Respondent on five (5) years probation and required Continuing Medical Education courses, based on his failure to maintain adequate records for patients, changing medications without justification, not altering medication protocol when faced with evidence of abuse of medication by patients, post-dating prescriptions, and failure to order appropriate laboratory studies.

B. The conduct resulting in the Arizona Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations); and/or

3. New York Education Law §6530(32) (failing to maintain adequate records for each patient).

SPECIFICATIONS

FIRST SPECIFICATION

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.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of 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 disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: Albany, New York

September 11, 2000



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct