



*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*

June 16, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Irving Bauer, M.D.  
645 Main Street  
Hyannis, MA 02601

RE: License No. 042426

Dear Dr. Bauer:

Enclosed please find Order #BPMC 99-130 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 16, 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: Robert Bogan, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
IRVING BAUER, M.D. : BPMC # 99-130

-----X

IRVING BAUER, M.D., says:

On or about June 27, 1944, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 042426 by the New York State Education Department. My address is 645 Main Street, Hyannis, MA 02601.

I understand that I have been charged with two (2) 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 agree not to contest the two (2) specifications set forth in the Statement of Charges.

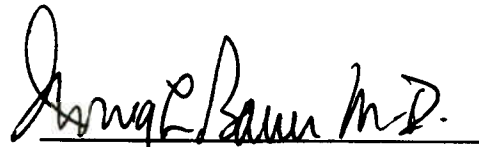
I understand that, in the event that this proposed agreement

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 State Board for Professional Medical Conduct agrees with my proposal, this 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 this Order shall be effective 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 earliest.


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

Date: 5/8/99, 1999

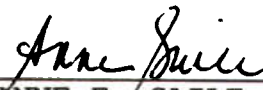
  
IRVING BAUER, M.D.  
Respondent

AGREED TO:

Date: 6/9, 1999

  
ROBERT BOGAM  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: 6/10, 1999

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of IRVING BAUER, M.D., 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 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 6/12/99



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 : STATEMENT  
OF : OF  
IRVING BAUER, M.D. : CHARGES

-----X

IRVING BAUER, M.D., the Respondent, was authorized to practice medicine in New York state on June 27, 1944, by the issuance of license number 042426 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 21, 1998, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), entered a Consent Order, (hereinafter "Massachusetts Order"), that restricted the Respondent from prescribing Schedules II through IV drugs and required him to undergo a neuropsychological examination based upon findings that he mail ordered Flurazepam (Schedule IV) and Idenal (Schedule III) for use by his wife and by himself at home and did not keep appropriate inventories or medical records, that he administered Methadone to a single patient without a license to do so, and failed to report such activity as required.

B. The conduct resulting in the Massachusetts 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(2) (practicing the profession beyond its authorized scope);

2. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);

3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);

4. New York Education Law §6530(21) (failing to file a report required by law); and/or

5. New York Education Law §6530(32) (failing to maintain an accurate record).

#### **SPECIFICATIONS**

##### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by 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 the Petitioner charges:


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

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him 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 the Petitioner charges:

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

DATED: *May 20*, 1999  
Albany, New York

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