



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

January 30, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Harvey L. Nissman, M.D.
756 Oriole Drive
Virginia Beach, Virginia 23451

RE: License No. 125207
Effective Date: 2/6/95

Dear Dr. Nissman:

Enclosed please find Order #BPMC 95-24 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :

OF :

HARVEY L. NISSMAN, M.D. :

ORDER

BPMC #95-24

-----X

Upon the application of HARVEY L. NISSMAN, M.D., Respondent, to surrender his license to practice medicine in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 26 January 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.

Chairperson

State Board for Professional
Medical Conduct

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

IN THE MATTER

OF

HARVEY L. NISSMAN, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

STATE OF NEW YORK)
) SS.:
COUNTY OF)

HARVEY L. NISSMAN, M.D., being duly sworn, deposes and says:

On or about September 15, 1975, I was licensed to practice as a physician in the State of New York having been issued License No. 125207 by the New York State Education Department.

I am not currently registered to practice as a physician in the State of New York. My current address is 756 Oriole Drive, Virginia Beach, Va. 23451.

I understand that I have been charged with two 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 permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to both specifications of professional misconduct set forth in 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 am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Harvey L. Nissman M.D.

HARVEY L. NISSMAN, M.D.
Respondent

Sworn to before me this
27th day of *January*, 199*7*

Marc C. Snellinger

NOTARY PUBLIC

MARC C. SNELLINGER
NOTARY PUBLIC

My Commission Expires November 30, 1997

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
HARVEY L. NISSMAN, M.D. : LICENSE

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

Date: _____, 1994

HARVEY L. NISSMAN, M.D.
Respondent

Date: _____, 1994

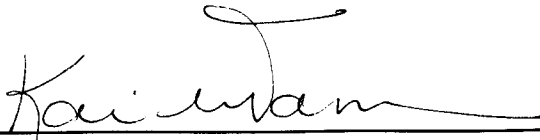
NA
, ESQ.
Attorney for Respondent

Date: Jan. 17, 1994⁵

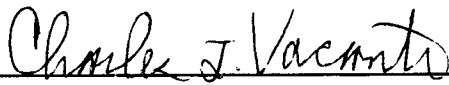
Ralph J. Bavaro
RALPH J. BAVARO
Associate Counsel
Bureau of Professional
Medical Conduct

HARVEY L. NISSMAN, M.D.

Date: Jan. 23, 1995


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 26 January 1995


CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
HARVEY L. NISSMAN, M.D. : CHARGES
-----X

HARVEY L. NISSMAN, M.D., the Respondent, was authorized to practice medicine in New York State on September 15, 1975 by the issuance of license number 125207 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

- A. On or about December 15, 1993, in the United States District Court for the Eastern District of Virginia, Respondent was convicted of mail fraud in violation of 18 U.S.C. Section 1341, based upon his false and fraudulent billing of health insurers for psychiatric services not actually performed. Respondent was sentenced to three years probation, including six months of monitored home confinement, 750 hours of community service; and was fined in the amount of \$10,000; and ordered to pay restitution in the amount of \$31,958.

B. On or about January 13, 1994, the Department of Health Professions of the State of Virginia issued an Order suspending Respondent's license to practice medicine in the State of Virginia based upon the federal criminal conviction described in paragraph A above.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION OF CHARGES

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(ii) (McKinney Supp. 1994) in that he was convicted of a crime under federal law. Petitioner charges:

1. The facts alleged in Paragraph A.

SECOND SPECIFICATION

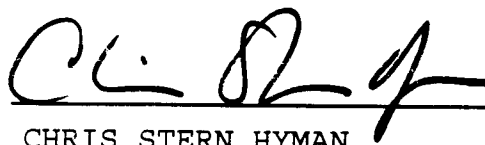
Respondent is charged with professional misconduct within in the meaning of N.Y. Educ. Law Section 6530(9)(d) (McKinney Supp. 1994) in that his license to practice medicine was suspended by a duly authorized professional disciplinary agency of another state for conduct which would, if committed in New

York, constitute misconduct under New York law. Petitioner charges:

2. The facts alleged in Paragraph B.

DATED: New York, New York

October 6, 1994

A handwritten signature in black ink, appearing to read "C. Stern Hyman", written over a horizontal line.

CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct