



**Board for Professional Medical Conduct**

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

**C. Maynard Guest, M.D.**  
Executive Secretary

May 11, 1992

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Boris Benson, M.D.  
75 Hopper Farm Road  
Upper Saddle River, NJ 07458

RE: License No. 157401  
Effective Date 5/13/92

Dear Dr. Benson:

Enclosed please find Order #BPMC 92-39 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 12237-0614

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 : ORDER  
BORIS BARRY BENSON, M.D. : BPMC # 92-39

-----X

Upon the Application of Boris Barry Benson, M.D., which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or upon Respondent's receipt of the order by certified mail, or seven days after the date of the letter transmitting the order to Respondent by certified mail, whichever is earlier.

SO ORDERED,

DATED: 4 May 1992

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



I admit guilt to the specification set forth in the Statement of Charges.

I hereby agree to the penalty that my license be suspended for three (3) years and that said suspension be stayed to become a three (3) year period of probation under the terms set forth and attached hereto as Exhibit B.

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

1 Boris Benson, M.D.  
BORIS BARRY BENSON, M.D.  
RESPONDENT

Sworn to before me this  
16<sup>th</sup> day of April, 1992.

Robert I. Jee

~~NOTARY PUBLIC~~

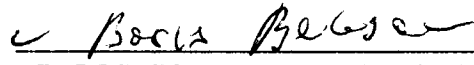
Robert I. Glickman  
An Attorney at Law  
State of New Jersey

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

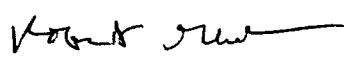
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: APPLICATION  
IN THE MATTER :  
: FOR  
OF :  
: CONSENT  
BORIS BARRY BENSON, M.D. :  
: ORDER  
-----X

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


Date: 4-16-92

  
BORIS BARRY BENSON, M.D.  
RESPONDENT

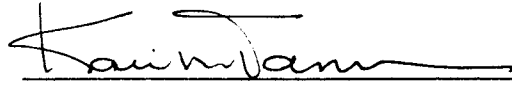
Date: 4-16-92

  
ROBERT GLICKMAN, ESQ.  
ATTORNEY FOR RESPONDENT

Date: 4/27/92

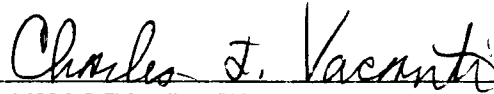
  
KEVIN C. ROE, ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: May 8, 1992



KATHLEEN M. TANNER  
DIRECTOR, OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 4 May 1992



CHARLES J. VACANTI, M.D.  
CHAIRPERSON, STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall comply fully with all federal, state and local laws, rules and regulations regarding the practice of medicine;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the July 25, 1991 and October 21, 1991 orders of the State Board of Medical Examiners of the State of New Jersey;



6. Upon reasonable notice Respondent shall make quarterly visits to an employee of and selected by NYSDOH, unless NYSDOH agrees to forego said visits;
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
BORIS BARRY BENSON, M.D. : CHARGES  
-----X

BORIS BARRY BENSON, M.D., the Respondent, was authorized to practice medicine in New York State on February 27, 1984, by the issuance of license number 157401 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

1. On or about July 26, 1989, Respondent's license to practice medicine in the State of New Jersey was limited by Order of the State Board of Medical Examiners, State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs (New Jersey Board) based on a finding that the evidence demonstrated an apparent diversion and improper utilization of drugs by Respondent and that the circumstances as a whole demonstrated an imminent danger if Respondent's license was not limited. The Order of the New Jersey Board

required random urine monitoring of Respondent three times a week under the auspices of the Physician's Health Program (PHP), psychiatric evaluation of Respondent and monitoring of his utilization of Controlled Dangerous Substances in his office practice. On February 22, 1990, a Consent Order was filed modifying the July 26, 1989 Order to reduce the random urine monitoring to once a week.

2. On or about June 7, 1990, Respondent's license to practice medicine in the State of New Jersey was a further restricted to require random urine monitoring three times a week, prohibition from self-administration of Controlled Dangerous Substances, immediate telephone notice and written notice to PHP within 24 hours of any prescription or treatment or dispensing of Controlled Dangerous Substances to Respondent by a physician and immediate suspension of Respondent's license upon refusal or unreasonable failure to submit to urine screening. These additional restrictions were imposed based on findings that a March 22, 1990 urine sample was positive for cocaine, that he refused to give a urine sample on April 2, 1990, and physically ejected the PHP representative from his office and that he failed to make himself available for a subsequent urine test.

3. On or about January 31, 1991, a Consent Order of the New Jersey Board was entered which required random urine monitoring for two years, prohibited consumption or

self-administration of any prescription medication without a valid prescription from another physician and required complete and detailed records of all anesthesia drugs supplied to him, used, administered to patients, wasted or otherwise disposed of, whether in a hospital or office setting.

4. On or about March 18, 1991, Respondent's license to practice medicine in the State of New Jersey was suspended based on a finding that Respondent materially violated the January 31, 1991 Consent Order when his urine was found positive for cocaine and Butalbital.

5. On or about July 25, 1991, a Consent Order of the New Jersey Board was entered which suspended Respondent's license to practice medicine for three years. The first five months of the suspension were active and the remainder stayed, provided Respondent met certain requirements, to become a period of probation. During the period of active suspension Respondent was required to complete an inpatient drug treatment program of at least 28 days duration and undergo a psychiatric evaluation and psychiatric treatment for a minimum of one year should such treatment be recommended. Respondent was fined \$5,000 and costs of \$2,885.65 were assessed.

6. On or about October 21, 1991, pursuant to the July 25, 1991 Consent Order, Respondent's license was restored by the New Jersey Board. In addition to the restrictions and terms of probation set forth in the July 25, 1991 Order, the

Reinstatement Order prohibited Respondent from prescribing, dispensing or utilizing controlled dangerous substances in his medical practice.

SPECIFICATION

Respondent is charged with having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in the violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1992), in that Petitioner charges:

1. The facts in Paragraphs 1, 2, 3, 4, 5 and/or 6.

DATED: Albany, New York

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