



**New York State Board for Professional Medical Conduct**

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

August 5, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Marvin Pleskow, M.D.  
39 H. Hickory Hill Road  
Williamsville, New York 14221

RE: License No. 073137

Dear Dr. Pleskow:

Enclosed please find Order #BPMC 98-161 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 12, 1998**.

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  
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: Joel L. Daniels, Esq.  
107 Delaware Avenue  
Suite 1366  
Buffalo, New York 14202

Valerie B. Donovan, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
MARVIN PLESKOW, M.D. : BPMC # 98-161

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MARVIN PLESKOW, M.D., states:

On or about December 1, 1952, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 073137 by the New York State Education Department.

My current address is 39 H Hickory Hill Road, Williamsville, New York 14221, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period of October 1, 1997 through September 30, 1999.

I understand that I have been charged with one specification 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 allegations and specification 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 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 am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or

manner.


  
MARVIN PLESKOW, M.D.  
Respondent

AGREED TO:


DATE: 7/8, 1998

  
JOEL L. DANIELS, Esq.  
Attorney for Respondent

Date: July 16, 1998

  
VALERIE B. DONOVAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: July 21, 1998

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of MARVIN PLESKOW, 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 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 via certified mail, whichever is earliest.

DATED:

July 29, 1998

  
Chair

PATRICK F. CARONE, M.D., M.P.H.  
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  
MARVIN PLESKOW, M.D. : CHARGES

-----X

MARVIN PLESKOW, M.D., the Respondent, was authorized to practice medicine in New York State on December 1, 1952 by the issuance of license number 073137 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period October 1, 1997 through September 30, 1999.

**FACTUAL ALLEGATIONS**

- A. Respondent provided gynecological/obstetrical care to Patient A [Patient is identified in Appendix] from on or about June, 1983 through on or about October, 1995 at Respondent's office at 1275 Delaware Avenue, Buffalo, New York [hereafter "Respondent's office"]. Respondent's treatment of Patient A did not meet acceptable standards of care in that:
1. Respondent, on or about April 20, 1994, during a gynecological examination of Patient A, at Respondent's office
    - a) performed a Pap smear which did not include a

sufficient endocervical sample for analysis;

b) subjected Patient A to an inappropriate gynecological exam.

2. Respondent, on or about October 31, 1995, during a gynecologic examination of Patient A at Respondent's office

(a) performed a Pap smear which did not include a sufficient endocervical sample for analysis;

b) subjected Patient A to an inappropriate gynecological exam.

#### **SPECIFICATION**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in paragraphs A and A.1(a), A and A.1(b), A and A.2(a) and/or A and A.2(b).

DATED: *July 8, 1998*, 1998  
Albany, New York.

*Peter D. Van Buren by wjz*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct