



*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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*NYS Department of Health*

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*NYS Department of Health*

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

*Executive Secretary*

PUBLIC

July 23, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Mark Redeker, M.D.

REDACTED

RE: License No.: Resident

Dear Dr. Redeker:

Enclosed please find Order #BPMC 99-177 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 23, 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,

REDACTED

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: James Kousouros, Esq.  
80-02 Kew Gardens Road, Suite 1030  
Kew Gardens, NY 11415

Michele Y. Tong, Esq.

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

IN THE MATTER  
OF  
MARK REDEKER, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #99-177

STATE OF NEW YORK )  
COUNTY OF ) ss.:

Mark Redeker, M.D., (Respondent) being duly sworn, deposes and says:  
That I have been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times on and after July 1, 1997. I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department.

My current address is 83-80 118th Street, Kew Gardens, New York 11415, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four 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 specifications in Exhibit "A." I hereby agree to the following penalty:

Pursuant to N.Y. Public Health Law §230-a(6), a limitation shall be placed precluding any further registration by me, or issuance of any further license to me to practice medicine in New York State upon any application made prior to the expiration of a five year period to begin upon the effective date

of the Consent Order. If, after the five year period, I make an application to practice medicine in New York State and if a license is granted to me, such license shall be subject to terms, limitations and/or conditions of nothing less than the following:

I shall be placed on probation for a two-year period in accordance with the Terms of Probation attached hereto as Exhibit "B".

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That I shall not apply for a license to practice medicine in the State of New York and that until and unless I am granted such a license, I shall not engage in any practice of medicine in the State of New York, whether as a licensee, permittee, or exempt person, beginning upon the effective date of the Consent Order; 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 at all times thereafter.

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)(McKinney Supp 1999).

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

REDACTED

DATED June 2, 1999

MARK REDEKER, M.D.  
RESPONDENT

Sworn to before me  
on this 2<sup>nd</sup> day of  
June 1999

REDACTED

NOTARY

JUDITH E. MITCHELL  
NOTARY PUBLIC  
Commission Expires Dec. 8, 2000

This consent agreement still contains a few inaccuracies in spite of efforts to correct the facts via communications to The Board through my counsel, James Kousouras.

1) my current address is:

157 Peckville Rd., Shelburne, MA 01370

2) Exhibit A [REDACTED] was a personal friend of mine. She at no time in the past or present was ever a patient of mine. I gave her three standard injections of phenergan on August 31, 1998, each injection 25 milligrams or less.

Mark Redeker, M.D.  
JUNE 2, 1999

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

DATE: 6/5/99

REDACTED

JAMES KOUSOUROS, ESQ.  
Attorney for Respondent

DATE: 6/28/99

REDACTED

MICHELE Y. TONG  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: 9/8/99

REDACTED

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  
MARK REDEKER, M.D.

CONSENT  
ORDER

Upon the proposed agreement of Mark Redeker, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to 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: 7/20/99

REDACTED

WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER  
OF  
MARK REDEKER, M.D.

STATEMENT  
OF  
CHARGES

Mark Redeker, M.D., the Respondent, has been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times on and after July 1, 1997. He does not hold a license to practice medicine in New York State issued by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about August 31, 1998, Respondent administered multiple injections of Phenergan to Patient A, with whom he also had a personal relationship, at his residence.
1. Respondent was not duly authorized, under New York State Law to engage in any such medical practice.
  2. Respondent was not duly authorized by Patient A to administer such drug.
  3. Respondent administered such drug for other than a good faith medical purpose.



**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1999) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

1. Paragraphs A and each of its subparagraphs.

**SECOND SPECIFICATION**

**PRACTICING BEYOND THE SCOPE PERMITTED BY LAW**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(24)(McKinney Supp. 1999) by practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger; as alleged in the facts of:

2. Paragraph A and A.1.

**THIRD SPECIFICATION**

**LACK OF CONSENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(26)(McKinney Supp. 1999) by performing professional services which have not been duly authorized by the patient or his or her legal representative; as alleged in the facts of:

3. Paragraph A and A.2.

**FOURTH SPECIFICATION**

**FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

4. Paragraph A and A.3.

DATED: March, 1999  
New York, New York

REDACTED

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical

practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 25) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.