



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

July 14, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harvey A. Turner, M.D.
7920 E. Coronado Road
Scottsdale, Arizona 85257

Re: License No. 086744

Dear Dr. Turner:

Enclosed please find Modification Order #BPMC 92-33 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 21, 2004.

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 the 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

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

IN THE MATTER
OF
HARVEY A. TURNER, M.D.

APPLICATION TO
MODIFY ORDER
BPMC # 92-33

HARVEY A. TURNER, M.D., (Respondent) deposes and says:

That on or about September 21, 1961, I was licensed to practice as a physician in the State of New York, having been issued License No. 086744 by the New York State Education Department.

My current address is 7920 E. Coronado Road, Scottsdale, AZ 85257 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I am currently subject to Order # BPMC 92-33, dated April 15, 1992, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued upon an Application For Consent Order signed by me on March 11, 1992, (hereinafter "March 11, 1992, Application"), adopted by the Original Order.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the language in the Original Order that states:

" of one year suspension of my New York State medical license, with the suspension stayed, and a one year period of probation with the special condition that in my practice of surgery I will be limited to the role of an assistant surgeon. I also understand that said one year probation period will begin to run at such time as I resume the active practice of medicine in New York State. I also agree to abide by the additional Terms of Probation seth(sic) forth in the attached Exhibit "B"."

substituting therefore:

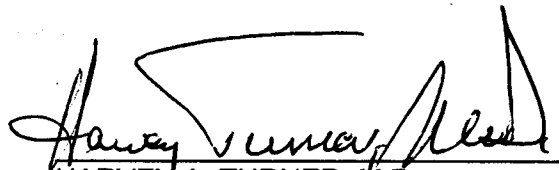
"that I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

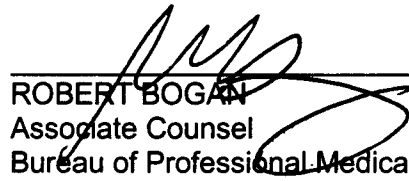
AFFIRMED:

DATED: June 30, 2004


HARVEY A. TURNER, M.D.
Respondent

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

DATE: 1 July 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3 July 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

"Exhibit 1"



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Lorna McBarnette
Executive Deputy Commissioner

May 27, 1992

OFFICE OF HEALTH
SYSTEMS MANAGEMENT
Raymond Sweeney
Director
Brian Hendricks
Executive Deputy Director

CERTIFIED - RETURN RECEIPT REQUESTED

Harvey Turner, M.D.
7920 E. Coronado Road
Scottsdale, Arizona 85257

RE: BPMC #92-33
New York License #086744

Dear Dr. Turner:

You have recently been served with an Order, effective April 24, 1992. Your license will be placed on probation for a period of one year, upon your practice of medicine in New York State. Your compliance with the terms of probation will be monitored by the Office of Professional Medical Conduct. You must contact this Office within thirty (30) days of your return to this State. Please address all correspondence regarding your probation to the address below:

Cheryl B. Ratner
Probation Unit Supervisor
Office of Professional Medical Conduct
New York State Department of Health
Corning Tower Building, Room 438
Empire State Plaza
Albany, New York 12237-0614

At the time of your return to New York, you will be advised of what information to provide in order to be in compliance with your terms, which require that your practice of surgery be limited to your role as assistant surgeon.

Also in accordance with State Rules and Regulations, 8 NYCRR Section 29.1(b)(13) within 30 days of receipt of this letter, please advise this Unit of the following information:

1. All business and home addresses and telephone numbers.
2. Your date of birth.
3. Type and nature of your current practice.
4. Any Specialty Board Certifications
5. Any Federal DEA registration number.
6. Any Department of Social Services Provider number.

7. All hospital and clinical affiliations.

Should you have any questions concerning these requirements, Cheryl B. Ratner, Probation Unit Supervisor would be glad to discuss the matter with you or your legal representative. Ms. Ratner can be contacted at (518) 474-8357. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Tanner", with a long horizontal line extending to the right.

Kathleen Tanner
Director
Office of Professional Medical Conduct

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

-----X

IN THE MATTER :
OF : ORDER
HARVEY TURNER, M.D. : #BPMC 92-33

-----X

Upon the application of Harvey Turner, M.D. (Respondent) for Consent Order, 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: 15 April 1992

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 : APPLICATION
OF : FOR
HARVEY A. TURNER, M.D. : CONSENT
: ORDER

STATE OF ARIZONA)
COUNTY OF) SS.:

HARVEY A. TURNER, M.D., being duly sworn, deposes and says:

That on or about September 21, 1961, I was licensed to practice as a physician in the State of New York, having been issued License No. 86744 by the New York State Education Department.

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 January 1, 1991 through December 31, 1992.

I understand that the New York State Board of Professional Medical Conduct has charged me with one Specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Specification of misconduct contained in Exhibit "A".

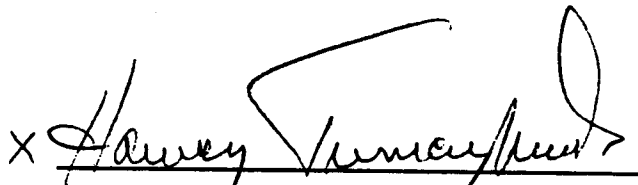
I hereby agree to the penalty of one year suspension of my New York State medical license, with the suspension stayed, and a one year period of probation with the special condition that in my practice of surgery I will be limited to the role of an assistant surgeon. I also understand that said one year probation period will begin to run at such time as I resume the active practice of medicine in New York State. I also agree to abide by the additional Terms of Probation set forth in the attached 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.

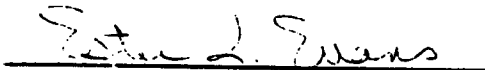
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

X 

HARVEY A. TURNER, M.D.
RESPONDENT

Sworn to before me this
25th day of March, 1992.



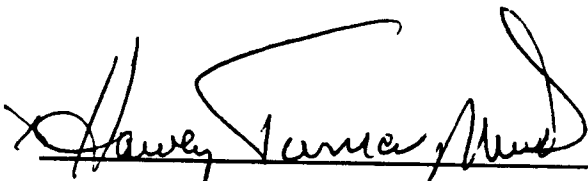
NOTARY PUBLIC

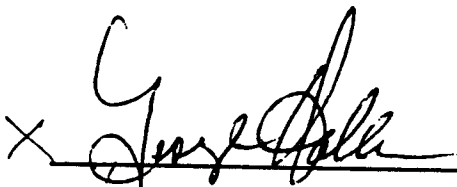
My Commission Expires July 13, 1993


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

IN THE MATTER : APPLICATION
OF : FOR
HARVEY A. TURNER, M.D. : CONSENT
: ORDER

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

Date: March 11, 1992 X 
HARVEY A. TURNER, M.D.
RESPONDENT

Date: March 31, 1992 X 
ATTORNEY FOR RESPONDENT

Date: 4/3/92 
TERRENCE SHEEHAN
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: April 20, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR, OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 15 April 1992

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

-----X

IN THE MATTER : STATEMENT
OF : OF
HARVEY A. TURNER, M.D. : CHARGES

-----X

HARVEY A. TURNER, M.D., the Respondent, was authorized to practice medicine in New York State on September 21, 1961 by the issuance of license number 86744 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 to December 31, 1992 at 7920 E. Coronado Road, Scottsdale, AZ 85257.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(B), (McKinney Supp. 1992) in that he was 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 findings were based would, if

Exhibit "A"

committed in New York State, constitute professional misconduct under N.Y. Educ. Law Section 6530(2) and (21) (McKinney Supp. 1992). Specifically, Petitioner charges:

On or about March 19, 1989, the Arizona Board of Medical Examiners found that Respondent obtained his license to practice medicine in Arizona by fraud or misrepresentation and that he had knowingly made false or misleading statements in his Arizona license application and in a preliminary questionnaire. The Arizona Board's findings are based on the Respondent's false claim in his license application that he had never had his hospital privileges revoked or restricted and his failure to include St. Mary's Hospital in Milwaukee, Wisconsin in a preliminary questionnaire which asked Respondent to list all his hospital affiliations. In fact, St. Mary's Hospital had restricted Respondent's hospital privileges.

The Arizona Board censured Respondent, fined him \$1,000 and restricted him in his practice of medicine to the role of an assistant surgeon.

DATED: New York, New York
February 26, 1992



CHRIS STERN HYMAN
Counsel
Bureau of 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 conform fully to the moral and professional standards of conduct imposed by law and by his profession;
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, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York. Respondent's one year period of probation will not begin to run until such time as he notifies NYS Department of Health that he has resumed the active practice of medicine in New York State.
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 Respondent's profession 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 order of the Board.
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned 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.

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 conform fully to the moral and professional standards of conduct imposed by law and by his profession;
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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 Respondent's profession 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 order of the Board.
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned 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.