



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.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

September 17, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Stephen L. Bosniak, M.D.
580 East Meadow Avenue
East Meadow, NY 11554

RE: License No. 133753

Dear Dr Bosniak:


Enclosed please find Order #BPMC 99-239 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 17, 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.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,


Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Scott Einiger, Esq.
Fager & Amsler, Esq.
2 Park Avenue
New York, NY 10016

Anthony M. Benigno, Esq.

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

**IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.**

**CONSENT
AGREEMENT
AND
ORDER
BPMC #99-239**

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

STEPHEN L. BOSNIAK, M.D., (Respondent) being duly sworn, deposes and says:

That on or about March 17, 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 133753 by the New York State Education Department.

My current address is 580 East Meadow Avenue, East Meadow, NY 11554, 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 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, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. I shall be placed on probation for a period of two years. I shall fully comply with the probation terms annexed hereto as Exhibit B.

2. A fine of seven thousand (\$7,000.00) dollars. The fine shall be paid within thirty days of the effective date of this Order. Payment shall be made to the Bureau of Accounts Management, New York State Department of Health, Empire State Plaza, Corning Tower, Room 1245, Albany, New York 12237.

3. I shall complete seventy (70) hours of community service within one year of the effective date of this order. The 70 hours of community service must be medical in nature and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population. A written proposal for community service must be submitted to, and is subject to the written approval of the Director of the Office of Professional Medical Conduct (OPMC), 433 River Street, Suite 303, Troy, NY 12180-2299. Community service performed prior to written approval shall not be credited toward compliance with this Order. Respondent shall submit the written proposal for community service to OPMC within 90 days of the effective date of this order.

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

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses

his/her license; 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 while the licensee possesses his/her license.

I stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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 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

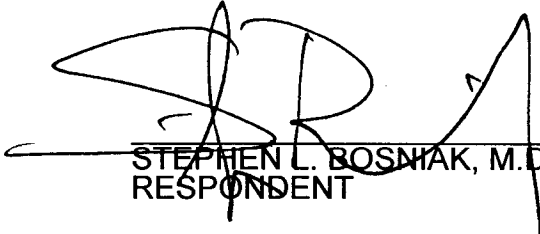
the final determination by the Board pursuant to the provisions of the Public Health Law.

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 the order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the 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 order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED 9/2/99



STEPHEN L. BOSNIAK, M.D.
RESPONDENT

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

DATE: September 3, 1999

By: Scott I. Einiger
SCOTT I. EINIGER, ESQ.
Attorney for Respondent

DATE: September 9, 1999

Anthony M. Benigno
ANTHONY M. BENIGNO, ESQ.
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: September 10, 1999

Anne F. Saile
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
STEPHEN L. BOSNIAK, M.D.

CONSENT
ORDER

Upon the proposed agreement of STEPHEN L. BOSNIAK, 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 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: 9/15/99



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

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
STEPHEN L. BOSNIAK, M.D. : CHARGES

-----X

STEPHEN L. BOSNIAK, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 17, 1978 by issuance of license number 133753 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about May 8, 1997, the New York State Board for Professional Medical Conduct issued Consent Order BPMC #97-110, hereto attached as Exhibit 1, wherein STEPHEN L. BOSNIAK, M.D., Respondent, admitted guilt to the single specification of professional misconduct, ordering of excessive treatment. The agreed penalty included a censure and reprimand and 100 hours of community service to be performed within one year of the effective date of the final order (on or about May 15, 1998).

B. As of March 1999, Respondent had only performed approximately 30 hours of community service pursuant to the requirements of BPMC Order No. 97-110.

FIRST SPECIFICATION
HAVING VIOLATED A CONDITION IMPOSED ON LICENSEE
PURSUANT TO PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law §6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #97-110, in that Petitioner charges:

1. The facts in paragraphs A and B.

DATED: *September 9*, 1999
Albany, New York



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

Exhibit 1



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

May 14, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen Bosniak, M.D.
300 Central Park West
New York, NY 10024

RE: License No. 133753

Dear Dr. Bosniak:

Enclosed please find Order #BPMC 97-110 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
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: Daniel Guenzburger, Esq.

EXHIBIT 1

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

IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.

CONSENT
ORDER

BPMC #97-110

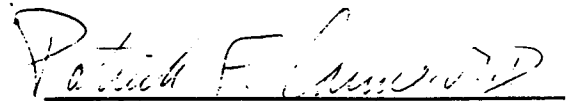
Upon the application of STEPHEN L. BOSNIAK, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: May 8, 1997



PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.

APPLICATION
FOR
CONSENT ORDER

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

STEPHEN L. BOSNIAK, M.D., being duly sworn, deposes and says:

That on or about March 17, 1978, I was licensed to practice as a physician in the State of New York, having been issued License No. 133753 by the New York State Education Department.

My current address is 300 Central Park West, New York 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 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 one specification of misconduct, in full satisfaction of the charges against me. I hereby agree that I shall be subject to a censure and reprimand and ordered to perform 100 hours of community service. The 100 hours of community service must be medical in nature and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population. A written proposal for community service must be submitted to, and is subject to the written approval of the Director of Office of Professional Medical Conduct, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180. Community service performed prior to written

approval shall not be credited toward compliance with this Order. Respondent shall submit the written proposal for community service to the Office of Professional Medical Conduct within 90 days of the effective date of the final order issued in this proceeding, and he shall complete the entire 100 hours of community service within 1 year of the effective date of the final order.

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. 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.



STEPHEN L. BOSNIAK, M.D.
RESPONDENT

Sworn to before me this

29th day of April 19 97

Prinzipia G Duggan
NOTARY PUBLIC

PRINZIPIA G DUGGAN
Notary Public, State of New York
No. 4963599
Qualified in Nassau County
Commission Expires March 12, 1998


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

IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.


APPLICATION
FOR
CONSENT ORDER

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

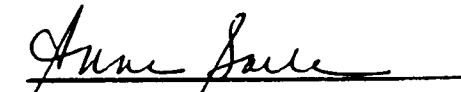
DATE: 4/27/97


STEPHEN L. BOSNIAK, M.D.
Respondent


DATE: 4/30/97


DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: May 5 1997


ANNE F. SAILE
Director
Office of Professional Medical
Conduct

DATE: May 8, 1997


Patrick F. Carone, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

"EXHIBIT A"

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

IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.

STATEMENT
OF
CHARGES

STEPHEN L. BOSNIAK, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 17, 1978, by the issuance of license number 133753 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A(1). Respondent is a diplomate of the the American Board of Ophthalmology. On or about November 9, 1994 the Respondent performed a right dacryocystorhinostomy and canalicular microintubation on Patient A, a 68 year old female. (Patient A is identified in the attached appendix.) Although the procedure note for the November 9, 1994 dacryocystorhinostomy confirms that surgery was performed on the right eye, the pre-op and post-op diagnosis in the operative report indicate left dacryostenosis with left dacryocystitis.
- A(2). On or about May 23, 1995 Respondent diagnosed recurrent dacryostenosis in the right eye. After approximately two months of unsuccessful medical treatment of Patient A's recurrent condition, Respondent ordered a surgical revision of the dacryocystorhinostomy.
- A(3). On or about August 18, 1995 the Respondent performed a dacryocystorhinostomy on the left eye. In a progress note written shortly after

Respondent concluded the procedure he wrote that upon his review " it was noted that the right eye needed surgery." Respondent informed Patient A that she needed surgery on the right eye. By performing a left dacryocystorhinostomy, Respondent:

- a. Ordered excessive treatment not warranted by the condition of the patient.

SPECIFICATION OF CHARGES

SPECIFICATION EXCESSIVE TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(36)(McKinney Supp. 1997) by ordering excessive treatment not warranted by the condition of the patient, as alleged in the facts of:

1. Paragraphs A1, A2, A3, and A3(a)

DATED: April 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Exhibit B

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 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.