



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 **PUBLIC**

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.

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

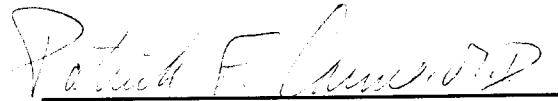
Upon the application of STEPHEN L. BOSNIAK, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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

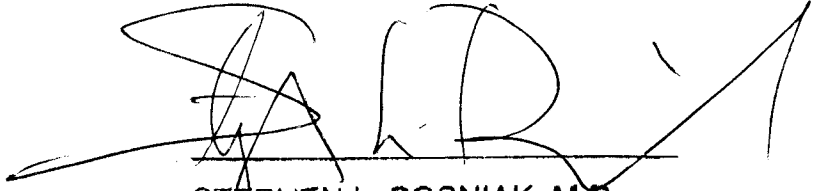
approval shall not be credited toward compliance with this Order. Respondent shall submit the written proposal for community service to the Office of Professional Medical Conduct within 90 days of the effective date of the final order issued in this proceeding, and he shall complete the entire 100 hours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

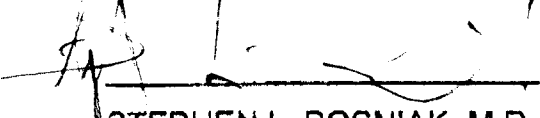
PRINZIPIA G DUGGAN
Notary Public, State of New York
No. 4963599
Qualified in Nassau County
Commission Expires March 12, 1998

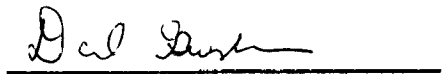
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

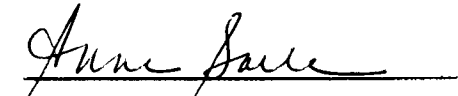
IN THE MATTER
OF
STEPHEN L. BOSNIAK, M.D.


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