



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

June 3, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Building-4th Floor
433 River Street
Troy, New York 12180

Sharif Mahdavian, Esq.
Friedman and Mahdavian
The Bar Building
36 West 44th Street
Suite 1205
New York, New York 10036

Michael Wynn Provines, M.D.
754 Huntington Avenue #4
Boston, Massachusetts 02115

Michael Wynn Provines, M.D.
5531 Winston Park Boulevard
Apartment 306
Coconut Creek, Florida 33073

Michael Wynn Provines, M.D.
1300 Park of Commerce Avenue
Suite 200
Delray Beach, Florida 33445

RE: In the Matter of Michael Wynn Provines, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.02-187) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992),

"the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct."

Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

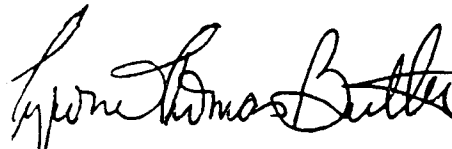
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

IN THE MATTER
OF
MICHAEL WYNN PROVINES, M.D.

DETERMINATION
AND
ORDER
BPMC #02-187

A hearing was held on May 22, 2002, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Hearing and a Statement of Charges, both dated January 25, 2002, were served upon the Respondent, **Michael Wynn Provines, M.D.** (Copies of the Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix I). **Ernst A. Kopp, M.D.**, Chairperson, **Sheldon Gaylin, M.D.**, and **Ms. Claudia Gabriel**, duly designated members of the State Board for Professional Medical Conduct ("the Board"), served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, and **Paul Robert Maher, Esq.**, of Counsel. The Respondent appeared at the hearing and was represented by **Sharif Mahdavian, Esq.**, Friedman and Mahdavian, The Bar Building, 36 West 44th Street, Suite 1205, New York, New York 10036.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

The First through the Fourth Specifications of the Statement of Charges were brought pursuant to Public Health Law Section 230(10). This section authorizes the Board to appoint a hearing committee of three of its members to hold an administrative hearing to determine whether a physician has committed professional misconduct, and, if so, to determine the penalty to be imposed.

The Fifth and the Sixth Specifications of the Statement of Charges were brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee. In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d).

WITNESSES

For the Petitioner:	None
For the Respondent:	Michael Wynn Provines, M.D. William S. Liebert, J.D. Jerry A. Boriskin, Ph.D. Richard B. Seely, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving

at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Michael Wynn Provines, M.D., the Respondent, was authorized to practice medicine in New York State on March 22, 2001, by the issuance of license number 220655 by the New York State Education Department (Petitioner's Ex. 4).

2. On June 23, 1999, the Massachusetts Board of Registration in Medicine ("Massachusetts Board") granted the Respondent a limited license to practice medicine (Petitioner's Ex. 4).

3. On January 26, 2001, the Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered "No" to the question, "Are you licensed or have you ever been licensed as a physician in any other state or country?" License 220655 was granted in response to this application. (Petitioner's Ex. 4).

4. On or about October 10, 2001, the Massachusetts Board, by a Consent Order ("Massachusetts Order"), revoked, retroactively to October 2000, the Respondent's limited license to practice medicine, based on the diversion of twelve vials of morphine sulfate (a Schedule II controlled substance) from a hospital for his own use, diverting and injecting himself with Propofol at a hospital while on call, and practicing medicine while his ability to do so was impaired by drugs (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent in Massachusetts would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(7) - "Practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability;"

- New York Education Law Section 6530(8) - "Being ... dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects ... ;" and

- New York Education Law Section 6530(20) - "Conduct in the practice of medicine which evidences moral unfitness to practice medicine;..."

The Statement of Charges also alleged that the Respondent's conduct in Massachusetts constituted practicing medicine negligently on more than one occasion (New York State Education Law Section 6530[3]). The Hearing Committee was unable to find support for this charge in the hearing record and declines to sustain this allegation.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(1) by obtaining a license fraudulently, in that Petitioner charges: ... On or about January 26, 2001, Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered 'No' to the question, 'Are you licensed or have you ever been licensed as a physician in any other state or country?'..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(2) by practicing the profession fraudulently, in that Petitioner charges: ... On or about January 26, 2001, Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered 'No' to the question, 'Are you licensed or have you ever been licensed as a physician in any other state or country?'..."

VOTE: Sustained (3-0)

THIRD SPECIFICATION

"Respondent violated New York Education Law Section 6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges: ... On or about January 26, 2001, Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered 'No' to the question, 'Are you licensed or have you ever been licensed as a physician in any other state or country?'..."

VOTE: Sustained (3-0)

FOURTH SPECIFICATION

"Respondent violated New York Education Law Section 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, in that Petitioner charges: ... On or about January 26, 2001, Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered 'No' to the question, 'Are you licensed or have you ever been licensed as a physician in any other state or country?'..."

VOTE: Sustained (3-0)

FIFTH SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by being 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 finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

SIXTH SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized disciplinary agency of another state where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state...”

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The First through the Fourth Specifications in the Statement of Charges address the Respondent's answer to question 23 on his Application For License And First Registration in New York State (Petitioner's Ex. 4, pp. 2-9). The Respondent answered “No” to the question, “Are you or have you ever been licensed as a physician in any other state or country?” In fact, the Respondent, one year and seven months before the date that he filled out and submitted the New York State application, had been granted a limited license to practice medicine by the Commonwealth of Massachusetts. This limited license enabled him to participate in a residency program at the Brigham and Women's Hospital in Boston (“Brigham”).

The Respondent testified that his answer to question 23 was not intentionally inaccurate. He testified that, at the time that he filled out the New York State application, he did not understand that what he had been granted in Massachusetts qualified as a license to practice medicine as that term was used in question 23. He noted that he had not even been granted a license number in Massachusetts. He also noted that his drug abuse problem was well known at Brigham, yet he listed his residency at Brigham on the New York State application, knowing that the New York State Education Department would contact Brigham for information about his residency and the drug problem would be

exposed. This, according to the Respondent, proved that his answer to question 23 was not an attempt to conceal or deceive.

The Hearing Committee observed the Respondent during his testimony, assessed his credibility, and concludes that his testimony about question 23 was not truthful. The Respondent had to know that he had a limited license in Massachusetts. His approved application for that license, labeled "Initial Limited License Application" and signed by the Respondent, is found at pages 47 through 56 of Petitioner's Ex. 4. Such a license was a requirement for his participation in the residency program at Brigham.

It is just common sense that a limited license, despite the fact that it is limited, is nonetheless a license. It is also quite evident that a government agency responsible for granting medical licenses would want to know about every medical license granted to the applicant in any other state, regardless of whether it was an unrestricted or a limited license. Problems, such as drug abuse, in another state while a limited license was held by the applicant are just as important to New York's licensing agency as problems in the other state that occurred while an applicant held an unrestricted license.

The Hearing Committee rejects the Respondent's argument that there was no intent in his answer to question 23 to conceal his drug problem because the disclosure on the New York State application of the residency at Brigham would inevitably lead to disclosure of the drug problem. Page 11 of Petitioner's Ex. 4 is a February 10, 2001, letter from Brigham's Director of Residency Education to the New York State Education Department's Division of Professional Licensing Services. This apparently is a response to a request for information from the Division of Professional Licensing Services about the Respondent's residency at Brigham. Even though the most serious aspects of the Respondent's drug problem occurred at Brigham (the diversion of twelve vials of morphine sulfate from Brigham), the February 10, 2001, letter describes the

Respondent's reasons for leaving the residency program before completion as "personal factors." There is no hint in the letter concerning the Respondent's drug problem.

The drug problem that was the basis for the disciplinary action in Massachusetts is a serious matter. The Respondent diverted twelve vials of morphine sulfate from Brigham and used other illegal drugs. In the Respondent's favor, over approximately the last year he has seriously and conscientiously addressed his drug problem with therapy and attendance at support groups. He attended a program full time for five months at the Advanced Recovery Center in Delray Beach, Florida. The Respondent still has frequent therapy sessions with Jerry Boriskin, Ph.D., the Director of Psychological Services at Advanced Recovery Center. Dr. Boriskin testified very positively about the Respondent's progress and dedication. The Respondent has a weekly random urine monitoring at the Center and Dr. Boriskin testified that the results have always been negative. The Respondent also attends Alcoholic Anonymous meetings four times a week and an aftercare program once a week. The Respondent's employer, Richard B. Seely, M.D., who specializes in drug abuse treatment, testified positively about the progress the Respondent has made in his recovery.

The Respondent's progress regarding his drug problem makes it unnecessary to revoke or suspend his license. However, a lengthy period of probation, commencing on his return to New York State, is necessary for the protection of the public.

ORDER

IT IS HEREBY ORDERED THAT:

1. If the Respondent should determine to resume the practice of medicine in New York State, he must give written notice to the Petitioner's Office of Professional Medical Conduct ("OPMC") at least 90 days prior to the intended date for the resumption of practice. The notice is to be addressed to the New York State Department of Health,

Office of Professional Medical Conduct, Hedley Park Place, 433 River Street, Troy, New York 12180-2299.

2. A five-year period of probation shall commence on the date that the Respondent resumes the practice of medicine in New York State under the terms and conditions in paragraphs 3 through 21 of this Order.

3. The Respondent shall remain drug and alcohol free.

4. The Respondent shall remain active in self-help groups such as Narcotics Anonymous, Alcoholics Anonymous and Caduceus.

5. The Respondent shall notify all treating physicians of his history of chemical dependency. The Respondent shall notify OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.

6. The Respondent shall practice only when monitored by qualified health care professionals (a sobriety monitor, a practice monitor and a therapist) proposed by the Respondent and approved by OPMC. Monitors shall not be family members, personal friends, or persons in a professional relationship that would pose a conflict with monitoring responsibilities.

7. The Respondent shall ensure that the monitors are familiar with the Respondent's drug dependency and with the terms of this Order. The Respondent shall cause the monitors to report to OPMC any deviation from the terms of this Order.

8. The Respondent shall submit at the request of the sobriety monitor to random, unannounced observed blood, breath and/or urine screens for the presence of drugs or alcohol. This monitoring will be on a random, seven-days a week, 24 hours a day basis. The Respondent shall be summoned for such testing at least once per week during the first year of probation and then at a frequency proposed by the sobriety monitor and approved by OPMC. The Respondent shall report for a drug screen within four hours

of being contacted by the monitor. The Respondent shall cause the sobriety monitor to report to OPMC within 24 hours if a test is refused or delayed by the Respondent or if a test is positive for any unauthorized substance.

9. The Respondent shall meet with the sobriety monitor once a month.

10. The sobriety monitor shall submit quarterly reports to OPMC certifying the Respondent's sobriety. These reports are to include forensically valid results of all alcohol/drug monitoring tests and an assessment of self-help group attendance and progress.

11. The Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by OPMC. The Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, questionable medical practice or possible misconduct to OPMC.

12. The practice supervisor shall review the Respondent's practice regarding the prescribing, administering, dispensing, inventorying and disposal of controlled substances.

13. The Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of the Respondent's medical practice, his physical and mental condition, time and attendance including unexplained absences from work, prescribing practices, and compliance with terms of probation.

14. The Respondent shall continue counseling or other therapy with a therapist as long as the therapist determines it is necessary, but no less than one year from the commencement of probation.

15. The Respondent shall cause the therapist to submit to OPMC a proposed treatment plan, and, once the treatment plan is approved by OPMC, quarterly reports

certifying whether the Respondent is in compliance with the treatment plan. The Respondent shall cause the therapist to report to OPMC within 24 hours if the Respondent leaves treatment against medical advice or displays any symptoms of a resumption of drug abuse.

16. The Respondent shall comply with any request from OPMC to obtain an independent psychiatric or chemical dependency evaluation by a health care professional proposed by the Respondent and approved by OPMC.

17. The Respondent 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 and obligations imposed by law and by his profession. If, during the period of probation, the Respondent commits professional misconduct as enumerated in New York State Education Law Sections 6530 or 6531, such act shall be deemed a violation of probation and an action may be taken against the Respondent's license pursuant to New York State Public Health Law Section 230(19).

18. The Respondent shall submit to OPMC written notification of any change in 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.

19. The Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of the Respondent's compliance with the terms of this Order and shall personally meet with a person designated by OPMC when so requested.

20. The period of probation shall be tolled during periods in which the Respondent is not engaged in the active practice of medicine in New York State. The

Respondent shall notify OPMC, in writing, if the Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of 30 consecutive days or more. The Respondent shall notify OPMC 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 the Respondent's return to practice in New York State.

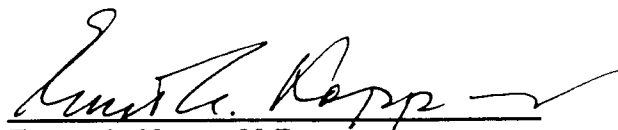
21. During the period of probation, the Respondent's professional performance may be reviewed by OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with the Respondent and his staff at practice locations or OPMC offices.

22. Upon receipt of evidence of noncompliance with the terms of probation, OPMC or the State Board for Professional Medical Conduct may initiate a violation of probation proceeding and/or any other proceeding against the Respondent as may be authorized by law.

23. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Loudonville, New York

May 29th, 2002

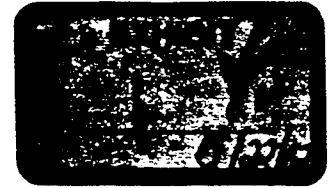


**Ernst A. Kopp, M.D.
Chairperson**

**Sheldon Gaylin, M.D.
Claudia Gabriel**

APPENDIX I

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



IN THE MATTER
OF
MICHAEL WYNN PROVINES, M.D.
CO-01-10-5446-A

NOTICE
OF
HEARING

TO: MICHAEL WYNN PROVINES, M.D.
1300 Park of Commerce Avenue
Suite 200
Delray Beach, FL 33445

MICHAEL WYNN PROVINES, M.D.
754 Huntington Avenue #4
Boston, MA 02115

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21st of March, 2002, at 10:00 in the forenoon of that day at the Heldey Park Place, 5th Floor, 433 River Street, Troy, New York, 12180 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five(5) days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require

medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(c), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten(10) days prior to the date of the hearing. Any Charge and Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED
OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK
PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

Jan. 25, 2002


PETER D. VAN BUREN
Deputy Counsel

Inquiries should be directed to:

Robert Bogan
Associate Counsel
Division of Legal Affairs
Bureau of Professional
Medical Conduct
433 River Street-Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
MICHAEL WYNN PROVINES, M.D.
CO-01-10-5446-A

STATEMENT
OF
CHARGES

MICHAEL WYNN PROVINES, M.D., the Respondent, was authorized to practice medicine in New York state on March 22, 2001, by the issuance of license number 220655 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 23, 1999, the Commonwealth of Massachusetts, Board of Registration on Medicine granted Respondent a limited license to practice medicine in the Commonwealth of Massachusetts. *MS*

January 26¹
B. On or about ~~February 15~~, 2001, Respondent prepared and submitted an Application For License And First Registration to the New York State Education Department, wherein he falsely answered "No" to the question, "Are you licensed or have you ever been licensed as a physician in any other state or country?" and on or about March 22, 2001, was granted a license to practice medicine in New York state.

C. On or about October 10, 2001, the Commonwealth of Massachusetts, Board of Registration in Medicine (hereinafter "Massachusetts Board"), by a Consent Order (hereinafter "Massachusetts Order"), revoked, retroactively to October 2000, Respondent's limited license to practice medicine, based on diverting twelve (12) vials of morphine sulfate (a Schedule II controlled substance) from a hospital operating room for his own use, diverting and injecting himself with Propofol at a hospital while on call, and practicing medicine while his ability to do so was impaired by drugs.

D. The conduct resulting in the Massachusetts Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(7) (practicing while impaired by drugs);
3. New York Education Law §6530(8) (being a habitual user of narcotics or other drugs); and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(1) by obtaining a license fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.

FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, in that Petitioner charges:

4. The facts in Paragraphs A and/or B.

FIFTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by being 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 finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

5. The facts in Paragraph C and/or D.

SIXTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized disciplinary agency of another state where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

6. The facts in Paragraphs C and/or D.

DATED: *Jan. 25*, 2002
Albany, New York

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