



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

**C. Maynard Guest, M.D.**  
Executive Secretary

September 25, 1992

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Matthew Brody, M.D.  
41 Eastern Parkway  
Brooklyn, New York 11238

RE: License No. 030390  
Effective Date 10/02/92

Dear Dr. Brody:

Enclosed please find Order #BPMC 92-74 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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

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

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IN THE MATTER :  
OF : ORDER  
MATTHEW BRODY M.D. : BPMC # 92-74

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Upon the Application of MATTHEW BRODY M.D. (Respondent) to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent shall be removed from the roster of physicians in the State of New York; it is further

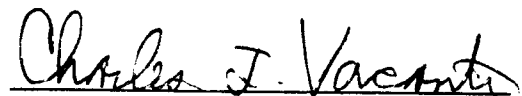
ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

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 via certified mail, whichever is earliest.

SO ORDERED,

DATED:

17 September 92



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

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 IN THE MATTER )  
                   )                 :   APPLICATION TO  
                   )                 :   SURRENDER  
                   )                 :   LICENSE  
 OF )  
 MATTHEW BRODY, M.D. )  
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STATE OF NEW YORK    )                 ss.:  
 COUNTY OF NEW YORK )

MATTHEW BRODY, M.D., being duly sworn, deposes and says:

On or about June 27, 1935, I was licensed to practice as a physician in the State of New York having been issued License No. 030390 by the New York State Education Department.

I am currently registered to practice as a physician in the State of New York for the period January 1, 1991 through December 31, 1992. My registration address is 41 Eastern Parkway, Brooklyn, New York 11238.

I understand that I have been charged with two specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specifications of professional misconduct set forth in the charges.

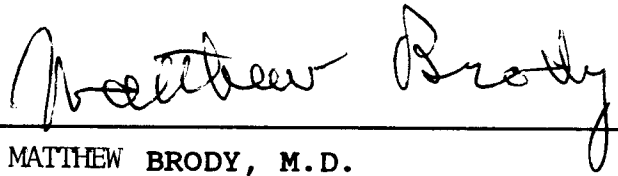
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued

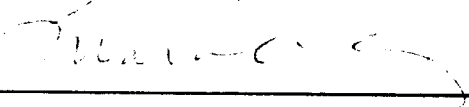
removing my name from the roster of physicians in the State of New York without further notice to me.

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



MATTHEW BRODY, M.D.  
Respondent

Sworn to before me this  
8th day of September 1992



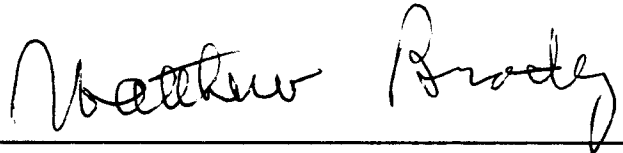
NOTARY PUBLIC  
MARK A. LONGO  
Notary Public, State of New York  
No. 24-4655104  
Qualified In Kings County  
Term Expires July 31, 1993

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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
MATTHEW BRODY, M.D. : LICENSE  
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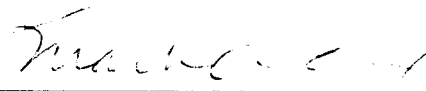
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: SEPTEMBER 8, 1992



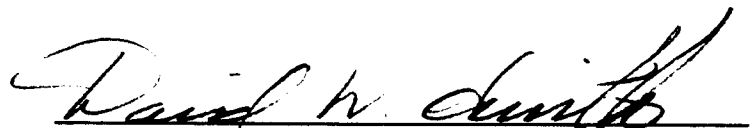
MATTHEW BRODY, M.D.  
Respondent

Date: SEPTEMBER 8, 1992



MARK A. LONGO, ESQ.  
Attorney for Respondent

Date: SEPTEMBER 9, 1992



DAVID W. SMITH  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

MATTHEW BRODY, M.D.

Date: Sept. 21, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

Date: 17 Sept., 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson, 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  
MATTHEW BRODY, M.D. : CHARGES

-----X

MATTHEW BRODY, M.D., the Respondent, was authorized to practice medicine in New York State on June 27, 1935 by the issuance of license number 030390 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 through December 31, 1992.

FACTUAL ALLEGATIONS

A. Between in or about November, 1981 and in or about December, 1991, Respondent treated Patient A (identified in Appendix attached hereto) for depression and other medical conditions at his office at 41 Eastern Parkway, Brooklyn, New York.

1. Patient A was a high-risk patient for Electroshock Therapy (ECT). On November 12, 15, 18, 22, and 25, 1991 and



December 2, 1991, Respondent inappropriately administered ECT to her. She died in his office during treatment on December 2, 1991. Respondent administered ECT to Patient A:

- a) Without reviewing her medical history.
- b) Without having an anesthesiologist or a nurse present.
- c) Without the proper medical equipment and medication available in event of an emergency.
- d) During this period Respondent prescribed medication for Patient A which could increase the risks for her associated with ECT.

**FIRST SPECIFICATION**

**PRACTICING WITH GROSS NEGLIGENCE**

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(4), by practicing the

profession with gross negligence on a particular occasion, in that Petitioner charges:

1. The facts contained in Paragraphs A, A1 and A1(a)-(d).

**SECOND SPECIFICATION**

**PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with professional misconduct under N.Y. Educ. Law Section 6530(3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

2. The facts contained in Paragraphs A, A1 and A1(a), A1(b), A1(c) and/or A1(d).

DATED: New York, New York

July 21, 1952



CHRIS STERN HYMAN  
COUNSEL  
Bureau of Professional Medical  
Conduct