



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

February 19, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harvey W. Brookman, M.D.
12 Moon Circle
Yardley, PA 19067

RE: License No. 148639
Effective Date: 2/22/93

Dear Dr. Brookman:

Enclosed please find Order #BPMC 93-24 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.

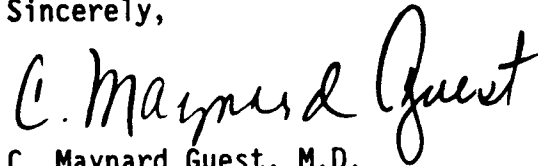
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

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
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Michael D. Brookman, Esq.
Brookman & Brookman
425 Park Avenue
29th Floor
New York, New York 10022-3506

Jeffrey Armon, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
HARVEY W. BROOKMAN, M.D. : BPMC 93-24

-----X

Upon the application of HARVEY W. BROOKMAN, 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: 16 February 1993

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 W. BROOKMAN, M.D. : CONSENT
: ORDER

STATE OF PENNSYLVANIA)
COUNTY OF *Bucks*,) SS.:

HARVEY W. BROOKMAN, M.D., being duly sworn, deposes and says:

That on or about November 6, 1981 I was licensed to practice as a physician in the State of New York, having been issued License No. 148639 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York. My current address is 12 Moon Circle, Yardley, Pennsylvania 19067.

I understand that the New York State Board for Professional Medical Conduct (the "Board") 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 professional misconduct.

✓ I hereby agree to the penalty of a Censure and Reprimand and a fine of Two Thousand, Five Hundred Dollars (\$2500) as sanction for such misconduct.

I hereby make this Application to 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 may be issued in accordance with same.

No promises of any kind were made 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.

Harvey W. Brookman
HARVEY W. BROOKMAN, M.D. *MA*
Respondent

Sworn to before me this
14 day of *JANUARY*, 1993.

Jennifer E. Tiso Stewart
NOTARY PUBLIC

NOTARIAL SEAL
JENNIFER E. TISO, Notary Public
Falls Twp., Bucks County
My Commission Expires Jan. 31, 1994

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

IN THE MATTER : APPLICATION
OF : FOR
HARVEY W. BROOKMAN, 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: 1/14/93 Harvey W. Brookman
HARVEY W. BROOKMAN, M.D.
Respondent

Date: 1/14/93 [Signature]
MICHAEL D. BROOKMAN, ESQ.
Attorney for Respondent

Date: Feb. 18 1993 Kathleen M. Tanner
KATHLEEN M. TANNER, Director
Office of Professional
Medical Conduct

Date: 16 February 1993 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 W. BROOKMAN, M.D. : CHARGES
-----X

HARVEY W. BROOKMAN, M.D., the Respondent, was authorized to practice medicine in New York State on November 6, 1981 by the issuance of license number 148639 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His current address is 12 Moon Circle, Yardley, Pennsylvania 19067.

FACTUAL ALLEGATIONS

A. Respondent entered into a Consent Order on April 19, 1990, with the Board of Medical Examiners of the State of New Jersey, a duly authorized professional disciplinary agency which took disciplinary action against the Respondent.

1. Respondent testified before the Preliminary Evaluation Committee of the New Jersey Board of Medical Examiners that he destroyed the Hospital Health and Physical form of patient C.M. with the intention of writing a new form when, during the course

of performing a termination of pregnancy, he discovered he had incorrectly determined the gestational age of her fetus.

2. The parties agreed to resolve the matter without further formal proceedings and Respondent admitted an error in judgement in his estimation of the gestational age of patient C.M.'s pregnancy. The New Jersey Board of Medical Examiners noted that Respondent had been disciplined by the hospital for the destruction of the patient record and the creation of a replacement form, and determined to reprimand Respondent for unprofessional conduct by his destruction of a portion of the patient's medical record and by his failure to exercise his best professional judgment in his care of the patient. Respondent was assessed a civil penalty of two thousand five hundred dollars (\$2,500.00) plus investigative costs.

3. Respondent's conduct would have constituted professional misconduct in New York State pursuant to N.Y. Educ. Law §6530(2) and/or §6530(32) (McKinney Supp. 1992), i.e. practicing the profession fraudulently and/or failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

SPECIFICATION OF CHARGES
HAVING DISCIPLINARY ACTION
TAKEN BY ANOTHER STATE

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1992) [formerly N.Y. Educ. Law §6509(5)(d)] in that Respondent's license to practice medicine was subject to other disciplinary action by the duly authorized professional disciplinary agency of another state, where the conduct resulting in such other disciplinary action in that other state would, if committed in New York State, constitute professional misconduct, in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, and A.3.

DATED: Albany, New York

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