



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

PUBLIC

June 30, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Paul Weinberg, D.O.
94 Main Street
Dixfield, Maine 04224

Robert Paul Weinberg, D.O.
82 New Estate Road
Littleton, Massachusetts 01460

Robert Paul Weinberg, D.O.
P.O. Box 231136
Boston, Massachusetts 02123-1136

Prof. John Flym, Esq.
Northeastern University School of Law
900 Huntington Avenue
Boston, Massachusetts 02155

Robert Paul Weinberg, D.O.
House Call Docs
255 Massachusetts Avenue
Suite 1005
Boston, Massachusetts 02115

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Division of Legal Affairs
Bureau of Professional Medical
Conduct
433 River Street, Suite 303
Troy, New York 12180

RE: In the Matter of Robert Paul Weinberg, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-173) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

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.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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,


James F. Horan, Acting Director
Bureau of Adjudication

JFH:djh
Enclosure

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

COPY

IN THE MATTER
OF
ROBERT PAUL WEINBERG, D.O.

DETERMINATION
AND
ORDER
OPMC #03-173

A Notice of Hearing and Statement of Charges, both dated March 24, 2003, were served upon the Respondent, **ROBERT PAUL WEINBERG, D.O.**. **DATTA G. WAGLE, M.D.**, Chairperson, **MANGALA RAJAN, M.D.** and **MS. CARMELA TORRELLI**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on May 22, 2003, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared by **PROFESSOR JOHN FLYM, ESQ.**

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

This case was brought pursuant to Public Health Law Section 230(10)(b-h). The statute provides for a hearing where a licensee is charged with professional misconduct under Section 6530 of the Education Law. In such cases, the Department must prove, by a preponderance of the evidence, that Respondent committed one or more acts of misconduct.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Sections 6530(3), (4), (17), (20) and (9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Respondent

FINDINGS OF FACT

The following Findings of Fact (FF) were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits (denoted by the prefix "Ex."), to transcript references (denoted by "Tr. [page(s)]"), or to the factual allegations in the Statement of Charges that led to these findings of fact and were accepted by the Hearing Committee as proven (denoted by "F.A. [“letter”]"). 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. **ROBERT PAUL WEINBERG, D.O.**, the Respondent, was authorized to practice medicine in New York State on June 5, 2001, by the issuance of license number 204641 by the New York State Education Department (Ex. 4).
2. On February 17, 1999, the Board of Registration in Medicine of the Commonwealth of Massachusetts (the Massachusetts Board) issued a Statement of Allegations wherein it ordered that Respondent show cause why he should not be disciplined for engaging in sexual relations with a patient on two occasions (Ex. 5; F.A. "A").
3. On May 17, 2000, Respondent submitted an Application for Locum Tenens Appointment with the Jones Memorial Hospital, Wellsville, N.Y., wherein he deliberately and falsely answered "No" to the question "[h]ave any disciplinary actions ever been taken or are there any pending against you by any State License Board in any State?" (Ex's. 7 & 8 (emphasis in original); F.A.'s "B", "C" & "D"; Tr. 17-18).
4. On March 1, 2001, Respondent deliberately and falsely answered "No" to the same question set forth in FF #3 on Application for Appointment to the Medical/Dental Staff at the same facility (Ex. 10; F.A. "F";).
5. On October 30, 2002, the Massachusetts Board issued a Final Decision and Order in the proceeding against Respondent (adopting the Recommended Decision of an Administrative Magistrate, which, in turn, adopted a Stipulation of facts by the parties as well as documentary evidence), wherein it was concluded that Respondent's license to practice medicine should be revoked on the grounds that he had engaged in conduct which placed his competence to practice medicine into question, that he had been guilty of misconduct in the practice of medicine, and that, by virtue of having engaged in sexual activity with a current patient, he was guilty of conduct which undermines public

confidence in the integrity of the medical profession, as well as conduct which shows lack of good moral character (Ex.'s 11 & 12).

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes that by lying on two applications for employment at the Jones Memorial Hospital, Wellsville, N.Y., Respondent was guilty of misconduct as defined under New York State Law, pursuant to:

- New York Education Law §6530(2) (practicing the profession fraudulently); and
- New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine);

In addition, the hearing Committee concludes that the conduct resulting in the Massachusetts Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(9) (b) (having been found guilty of improper professional practice or professional misconduct in another state); and
- New York Education Law §6530(9) (d) (having had his license revoked in another state);

The basis for this conclusion is that Respondent's conduct would also have constituted misconduct had it been committed in New York State pursuant to New York Education Law §6530(3) (negligence on more than one occasion), §6530(4) (gross negligence); §6530(17) (exercising undue influence on a patient) and §6530(20) (engaging in conduct that evinces moral unfitness to practice medicine).

VOTE OF THE HEARING COMMITTEE

(The findings of fact supporting these conclusions, as set forth above, are stated for each specification by use of the abbreviation "F.F." The Hearing Committee also finds that each of these conclusions is supported by the fair preponderance of the evidence.)

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law §6530(2) (practicing the profession fraudulently) by lying on two applications for privileges at Jones Memorial Hospital, Wellsville, N.Y., regarding the pendency of disciplinary proceedings against him.

VOTE: SUSTAINED (3-0) (FF's 2-4)

THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine) by lying on two applications for privileges at Jones Memorial Hospital, Wellsville, N.Y., regarding the pendency of disciplinary proceedings against him.

VOTE: SUSTAINED (3-0) (FF's 2-4)

FIFTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been 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) (FF 5)

SIXTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0) (FF 5)

HEARING COMMITTEE DETERMINATION

The record in this case establishes that Respondent had his license revoked by the Massachusetts Board because he had sexual relations with a patient on two occasions, and that he lied about the pendency of the Massachusetts proceeding on two hospital applications, as set forth above.

Respondent admitted at the hearing that he lied on the hospital applications because he had been unable to obtain hospital appointments when he answered the questions truthfully. The Hearing Committee concludes that by lying on these applications, Respondent committed misconduct pursuant to New York Education Law §6530(2) (practicing the profession fraudulently) and §6530(20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine).

In addition, the Hearing Committee is bound by the findings of the Massachusetts Board that Respondent committed misconduct in that state by having a sexual relationship with a patient. The Hearing Committee concludes that Respondent's conduct would have constituted misconduct, had it been committed in New York State, pursuant to New York Education Law §6530(3) (negligence on more than one occasion), §6530(4) (gross negligence), §6530 (17) (exercising undue influence on a patient), and §6530(20) (conduct

evidencing moral unfitness to practice medicine), and that Respondent is, therefore, guilty of misconduct pursuant to §6530 (9)(b) and (d), as set forth above. The Hearing Committee concludes that Respondent's conduct was particularly egregious, given the patient's psychiatric history and his knowledge that, at best, his personal relationship with her violated was viewed by her therapist as inconsistent with his role as her physician.

The Massachusetts Board made various findings of fact and conclusions of law, recited in summary below, that lead to this conclusion:

- 1). Respondent's certification is in family practice, and at the time the events at issue here, he was employed at the Boston Evening Medical Center (Ex. 11, #1-2).
- 2). The patient at issue (referred to in the Massachusetts documents as "patient A") began to see Respondent in July, 1989, as her primary care physician (Ex. 11, #3-4).
- 3). During the period July, 1989 through July 30, 1992, patient A had approximately 61 visits with Respondent, and at a number of these visits, she discussed her mental health problems with him, including her suicidal ideation, her history of childhood sexual abuse and the fact that her sister had AIDS. On July 6, 1992, Respondent noted that the patient was being seen by a psychotherapist who specialized in post-traumatic stress disorder. On July 10, 1992, Respondent noted diagnostic assessments including depression, post-traumatic stress disorder and dysfunctional family (Ex 11, #5-13).
- 4). On July 30, 1992, Respondent, after meeting with the patient, committed her to the Human Resource Institute (HRI), a psychiatric hospital, after determining that she was decompensating. The patient remained there until September 11, 1992, except for a brief period on August 31 when she left the facility, went to Respondent's office, and was recommitted by him (Ex. 11, #14).
- 5). On September 1, 1992, during a session with her therapist at HRI, the patient called Respondent, based on the therapist's recommendation, and told him that she needed to transfer her medical care to another physician because her developing friendship with him presented a dual relationship. Respondent subsequently entered into a written agreement that he would terminate the physician/patient relationship with patient A (Ex. 11, #18-19; Tr. 29-30).
- 6). After her release from HRI, and despite his agreement not to do so, Respondent continued to see the patient as her physician. He saw her through approximately 1994 on 36 occasions, continued to discuss the patient's mental health problems and prescribed medications, including psychotropic medications (Ex. 21-26).
- 7). From September, 1992 through September, 1995, Respondent and the patient also maintained a personal and sexual relationship, and the patient worked for Respondent as a research assistant on a research project on child

- abuse at MIT. Respondent also made significant personal disclosures to the patient (Ex. 11, #8, 33-36, 38).
- 8). In the fall of 1993, patient A was again admitted for psychiatric treatment (Ex. 11, #37).
 - 9). On two occasions in November, 1993, the Respondent had intercourse with patient A and prescribed Ovral (the "morning after" birth control pill) (Ex. 11, #38).
 - 10). The Massachusetts Board hired a board certified psychiatrist, Dr. Beck, who was also a licensed Ph.D. psychologist and an expert in physician/patient sexual relationships, to evaluate this case. After reviewing extensive documentation, Dr. Beck opined with a reasonable degree of medical certainty that Respondent violated his "fiduciary relationship" with the patient by disclosing information to her, by using her as a research assistant, and by engaging in a friendship and sexual relationship with her. Her found Respondent's boundary violations with the patient "especially egregious" because Respondent was functioning as the patient's psychotherapist while aware of her vulnerability due to her history of sexual abuse, her post-traumatic stress disorder, her suicidal ideation, and her hospitalization for major depression. The Massachusetts Board adopted Dr. Beck's opinions in concluding that Respondent violated numerous ethical and statutory standards of conduct (Ex. 11, #65-73; Ex. 12, pp. 22-23; Ex. 12, p. 1).
 - 11). In determining that Respondent's actions constituted gross misconduct, the Massachusetts Board rejected as unbelievable Respondent's claims that he did not understand that the duality of his relationship was wrong and harmful to patient A, irrespective of his claim that the patient seduced him (Ex. 12, p. 17-18, 1).

These findings and conclusions by the Massachusetts Board negate further consideration of Respondent's contention made at the instant hearing that his conduct was, when he engaged in it, essentially innocent and non-predatory. These findings and conclusions, upon which the Massachusetts Board's determinations were based, are binding on this tribunal.

The only items of evidence in mitigation of any penalty that might be imposed in this decision are Respondent's profession of understanding that his behavior was ethically and medically wrong and his remorse for his involvement with patient A (Ex. 12, #62; Tr., 28-29). However, the Massachusetts Board did not find these belated professions (they began first in February, 2001, after Respondent's extensive and failed attempts to prevent the

patient from discussing her relationship with him with the Massachusetts Board) to mitigate against the sanction of license revocation, nor does this Hearing Committee.

In summary, Respondent engaged in unethical, harmful and immoral boundary-violating and sexual behavior with a patient, tried to prevent that behavior from coming under scrutiny by the Massachusetts Board, then tried to hide it from a potential employer on two occasions. The Hearing Committee feels compelled to note that although Respondent contends that his mistake was in re-forming the physician/patient relationship with patient A, it would have found Respondent's personal involvement and sexual behavior with patient A highly improper even if he had not done so, given his extensive knowledge of her history and emotional frailty. Given the circumstances, this could never have been a case of a romantic relationship developing, after the physician/patient relationship ended, between two equal and consenting adults.

The Hearing Committee concludes unanimously, after considering all the lesser penalties that could be imposed (PHL §230-a), that the penalty of license revocation is the penalty that best suits Respondent's misconduct.

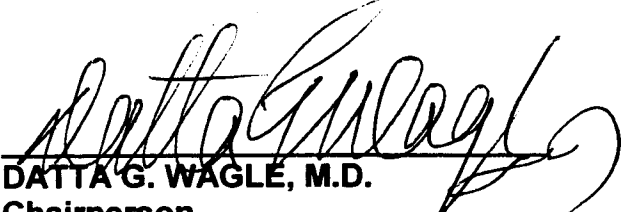
ORDER

IT IS HEREBY ORDERED THAT:

1. The New York medical license of **ROBERT PAUL WEINBERG, D.O.** is hereby **REVOKED.**

The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Williamsville, New York
6/27/, 2003

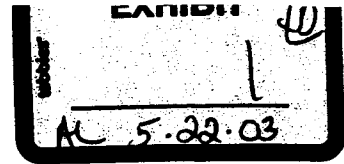


DATTA G. WAGLE, M.D.
Chairperson

MANGALA RAJAN, M.D.
MS. CARMELA TORRELLI

APPENDIX 1

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



-----X

IN THE MATTER : NOTICE
OF : OF
ROBERT PAUL WEINBERG, D.O. : HEARING
CO-02-12-6233-A

-----X

TO: ROBERT PAUL WEINBERG, D.O.
81 New Estate Road
Littleton, MA 01460

ROBERT PAUL WEINBERG, D.O.
House Call Docs
255 Massachusetts Avenue
Suite 1005
Boston, MA 02115

ROBERT PAUL WEINBERG, D.O.
P.O. Box 231136
Boston, MA 02123-1136

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 24th of April 2003, at 10:00 in the forenoon of that day at the Hedley 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
March 24, 2003


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

IN THE MATTER
OF
ROBERT PAUL WEINBERG, D.O.
CO-02-12-6233-A

STATEMENT
OF
CHARGES

ROBERT PAUL WEINBERG, D.O., the Respondent, was authorized to practice medicine in New York state on October 8, 1996, by the issuance of license number 204641 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 17, 1999, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Statement of Allegations, charged Respondent with having sexual relations with a patient while she was under his care.

B. On or about April 1, 1999, Respondent submitted a response to the Statement of Allegations described in Paragraph A, to the Massachusetts Board.

C. On or about February 17, 2000, the Massachusetts Board filed a First Motion to Amend Statement of Allegations described in Paragraph A above.

D. On or about May 17, 2000, Respondent, on an Application for Locum Tenens Appointment to the Medical Staff of Jones Memorial Hospital, falsely answered "No" to question "1. Have any disciplinary actions ever been taken or are any pending against your by any State license board in any State?"

E. On or about June 23, 2000, Respondent, submitted an Answer to the Amended Statement of Allegations, to the First Motion to Amend Statement of Allegations described in Paragraph D above, to the Massachusetts Board.

F. On or about March 1, 2001, Respondent, on an application for Appointment to the Medical Staff/Dental Staff of Jones Memorial Hospital, falsely answered "No" to question "1. Have any disciplinary actions been taken or are any pending against you by any State license board in any State?"

G. On or about April 12, 2001, the Massachusetts Board entered into a Stipulation with Respondent with regard to the Statements of Allegations described in Paragraphs A and C above.

H. On or about October 30, 2002, the Massachusetts Board, by a Final Decision and Order (hereinafter "Massachusetts Order"), revoked Respondent's license to practice medicine, based on having sexual contact with a patient while she was under his care and boundary violations, as set forth in the Statements of Allegations, set forth in Paragraphs A and C above.

I. The conduct resulting in the Massachusetts Board disciplinary action 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(4) (gross negligence);
3. New York Education Law §6530(17) (exercising undue influence on the patient);

and/or

4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

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

1. The facts in Paragraphs A, B, C, and/or D.
2. The facts in Paragraphs A, B, C, E, and/or F.

THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) moral unfitness, in that
Petitioner charges:

- 3. The facts in Paragraphs A, B, C, and/or D;
- 4. The facts in Paragraphs A, B, C, E, and/or F.

FIFTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been 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 Paragraphs A, B, C, E, G, H, and/or I.

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 professional 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 New York state, in that Petitioner charges:

- 6. The facts in Paragraphs A, B, C, E, G, H, and/or I.

DATED: *March 24*, 2003
Albany, New York


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