



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

**PUBLIC**

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

November 28, 2003

Corrected Letter

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Gilbert Seymour Lederman, M.D.  
Staten Island University Hospital  
Department of Radiation Therapy  
475 Seaview Avenue  
Staten Island, NY 10305

RE: License No. 169946

Dear Dr. Lederman:

Enclosed please find Order #BPMC 03-330 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 5, 2003.

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 or receipt of the of the Order to:

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

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  
Corning Tower, Room 1258  
Empire State Plaza  
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

cc: Anthony Z. Scher, Esq.  
Wood & Scher  
The Hardwood Building  
14 Hardwood Court  
Scarsdale, NY 10583

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r

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

IN THE MATTER  
OF  
GILBERT LEDERMAN, M.D.

CONSENT  
ORDER

BPMC No. 03-330

Upon the application of (Respondent) GILBERT LEDERMAN, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 11/25/03

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional Medical Conduct

**IN THE MATTER  
OF  
GILBERT LEDERMAN, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

GILBERT LEDERMAN, M.D., representing that all of the following statements are true, deposes and says:

That on or about April 30, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 169946 by the New York State Education Department.

My current address is Staten Island University Hospital, Department of Radiation Therapy, 475 Seaview Ave, Staten Island, New York, 10305, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I agree not to contest the allegations contained in the first specification, revealing personally identifying facts, data or information obtained in a professional capacity without the prior consent of the patient, and specifically do not admit to the allegations contained in the second specification, filing a false report. This plea is in full satisfaction of the Statement of Charges. I agree to the following penalty which is based solely on my "no contest" plea to the first specification:

I shall be subject to a Censure and Reprimand, pursuant to §230-a(1) of the Public Health Law; and

I shall be subject to a fine in the amount of \$5000, pursuant to §230-a(7) and (9) of the Public Health Law.

Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 1245  
Albany, New York 12237

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its investigations of all matters concerning Respondent. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive

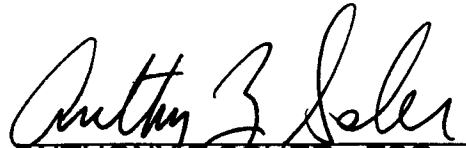
my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 11/17/03


  
GILBERT LEDERMAN, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 11/18/03

  
ANTHONY Z. SCHER, ESQ.  
Attorney for Respondent

DATE: 11/20/03

  
DIANNE ABELOFF  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 11/24/03

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct



IN THE MATTER  
OF  
GILBERT LEDERMAN, M.D.

STATEMENT  
OF  
CHARGES

GILBERT LEDERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 30, 1987, by the issuance of license number 169946 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. From on or about October 24, 2001, through on or about November 14, 2001, Respondent provided radiotherapy to Patient A, (the patients are identified in the attached Appendix) at Staten Island University Hospital (SIUH), Staten Island, N.Y., and at a another location on Staten Island. Patient A died on November 29, 2001.
1. Both before and after Patient A's death, Respondent revealed to news agencies, magazines and television, personally identifiable facts, data and/or information about Patient A that Respondent had obtained in his professional capacity, without Patient A's consent.
- B. Respondent is the director of the Department of Radiation Oncology at SIUH. On or about December 7, 2001, Respondent directed another radiation oncologist in the department at SIUH, to alter the original medical record for Patient B in a manner that would obscure the fact that there had been an incorrect administration of radiation.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**REVEALING PERSONALLY IDENTIFIABLE FACTS, DATA, INFORMATION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(23) by revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, as alleged in the facts of:

1. Paragraph A and A1.

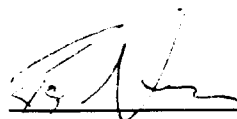
**SECOND SPECIFICATION**

**FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully 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, or wilfully impeding or obstructing such filing, or inducing another person to do so, as alleged in the facts of:

2. Paragraph B.

DATED: October 28, 2003  
New York, New York



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Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct