

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

IN THE MATTER

OF

JEFFREY STEIN, M.D.

**SECOND
MODIFICATION
ORDER**

BPMC No. #99-242
BPMC No. #04-42

Upon the proposed Application for a Modification Order of **JEFFREY STEIN, M.D.**,
(Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to
and

ORDERED, that the attached Application, and its terms, are adopted and SO
ORDERED, and it is further

ORDERED, that this Second Modifying Order shall be effective upon issuance by the
Board, either by mailing of a copy of this Modifying Order, by either first class mail, to
Respondent at the address in the attached Application or certified mail to Respondent's
attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever
is earliest.

SO ORDERED.

DATED: 4-22-2008

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

APPLICATION TO
MODIFY CONSENT
ORDER BPMC #99-242,
CONSENT ORDER
BPMC No. 04-42, AND
MODIFICATION ORDER
BPMC No. 99-242 and
BPMC No. 04-42

JEFFREY STEIN, M.D., (Respondent) deposes and says:

That on or about July 17, 1991, I was licensed to practice as a physician in the State of New York, having been issued License No. 186247 by the New York State Education Department.

My current address is Redacted Address

I am currently subject to Consent Order BPMC #99-242 (hereinafter "Original Order 1"), Consent Order BPMC No. 04-42 (hereinafter "Original Order 2"), and Modification Order BPMC No. 99-242 and BPMC No. 04-42 (hereinafter "Modification Order 1"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that were issued on September 21, 1999, February 26, 2004, and October 25, 2005, respectively.

I have not practiced medicine in the State of New York in many years and I do not intend to return to the practice of medicine in the State of New York. I would like to avoid the lifetime requirement of reporting to the State of New York, Department of Health, and I, therefore, voluntarily apply, hereby, to the State Board for Professional Medical Conduct for a Second Modification Order (hereinafter "Second Modification Order"), modifying Consent Order BPMC #99-242, Consent Order BPMC No. 04-42, and Modification Order BPMC No. 99-242 and BPMC No. 04-42, in the following way: to supersede the sanctions and obligations therein and substitute the following language, therefore:

"Respondent shall never activate his registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state."

The Modifying Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described sanctions and obligations in the above described Orders.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: 4/7/08

Redated Signature

JEFFREY STEIN, M.D.
Respondent

The undersigned agree to the attached application of Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 4/10/08

Redated Signature

LAWRENCE J. VILARDO
Attorney for Respondent

DATE: 17 April 2008

Redated Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 4/18/08

Redated Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chairman

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

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

Public

October 26, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey Stein, M.D.

Redacted Address

Re: License No. 186247

Dear Dr. Stein:

Enclosed is a copy of Modification Orders #BPMC 99-242 and 04-42 of the New York State Board for Professional Medical Conduct. These modification orders and any penalty provided therein goes into effect November 2, 2005.

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

Sincerely,

Redated Signature

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Michael J. Roach, Esq.
Connors & Vilaro, LLP
1020 Liberty Building
420 Main Street
Buffalo, NY 14202

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

MODIFICATION

ORDER

BPMC No. 99-242 and
BPMC No. 04-42

Upon the proposed Application for a Modification Order of JEFFREY STEIN, M.D.,
(Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to
and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED,
and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board,
either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at
the address in the attached Application or certified mail to Respondent's attorney, or upon
transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/25/05

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

APPLICATION TO
MODIFY CONSENT ORDERS
BPMC 99-242 and
BPMC No. 04-42

JEFFREY STEIN, M.D., (Respondent) deposes and says:

That on or about July 17, 1991, I was licensed to practice as a physician in the State of New York, having been issued License No. 186247 by the New York State Education Department.

My current address is Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days, thereof.

I am currently subject to CONSENT ORDERS BPMC 99-242 and BPMC No. 04-42, dated September 21, 1999 and February 26, 2004, respectively, annexed hereto, made a part hereof, and marked as Exhibits 1 and 2, respectively, (hereinafter "Original Order 1 and Original Order 2," respectively), that were issued upon Consent Agreements and Orders signed by me on September 8, 1999 and February 6, 2004, respectively (hereinafter "September 8, 1999 Agreement and February 6, 2004 Agreement," respectively), adopted by Original Order 1 and Original Order 2, respectively.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order 1 and Original Order 2, as follows: to delete the paragraph in Original Order 1 that states:

" That Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and"

And in Original Order 2 that states:

- That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possess his/her license; and"

The Modification Order to be issued will not constitute a new disciplinary action against 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, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest Original Order 1 and Original Order 2 or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: _____

9/14/05

Redacted Signature

JEFFREY STEIN, M.D.
Respondent

The undersigned agree to the attached application of Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/15/05

Redacted Signature

MICHAEL J. ROACH
Attorney for Respondent

DATE: 19 September 2005

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 October 2006

Redacted Signature

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

"Exhibit 1"



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Anne F. Salls, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolen, R.P.A.
Vice Chair

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

September 23, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey Stein, M.D.
Redacted Address

RE: License No.: 186247

Dear Dr. Stein:

Enclosed please find Order #BPMC 99-242 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect September 23, 1999.

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

Sincerely,

Redated Signature

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

Board for Professional Medical Conduct

Enclosure

cc: Lawrence J. Vilardo, Esq.
Connors and Vilardo, LLP
1020 Liberty Building
Buffalo, NY 14202

Anthony Benigno, Esq.

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-242

JEFFREY STEIN, M.D., (Respondent) says:

That on or about July 17, 1991, I was licensed to practice as a physician in the State of New York, having been issued License No. 186247 by the New York State Education Department.

My current address is Redacted Address and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the second specification of misconduct, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. A censure and reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

Respondent is currently not practicing medicine in the State of New York. He shall provide written notification to the Director of the Office of Professional Medical Conduct at least sixty days prior to his return to New York State to practice medicine. Included in that notification shall be a copy of this consent agreement. Should he return to New York State to practice medicine, the Director of the Office of Professional Medical Conduct (OPMC) may, at her sole discretion, without review by the Administrative Review Board or by a Court of law, require five years monitoring during which time he must fully comply with the conditions of monitoring, including conditions precedent, as set forth in Exhibit B.

That Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and

every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions may constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this application to the State Board for Professional Medical Conduct (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; 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 shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED

9/8/99

Redated Signature

JEFFREY STEIN, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/9/99

Redacted Signature

LAWRENCE

~~FARRY J. VILARDO, ESQ.~~
Attorney for Respondent

DATE: 7/13/99

Redated Signature

~~ANTHONY M. BENIGNO, ESQ.~~
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 9/12/99

Redacted Signature

~~ANNE F. SAILE~~
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

CONSENT

ORDER

Upon the proposed agreement of JEFFREY STEIN, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9/21/99

Redacted Signature

WILLIAM P. DILLON, M.D.
Chair
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
JEFFREY STEIN, M.D. : CHARGES
-----X

JEFFREY STEIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 17, 1991, by issuance of license number 186247 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. From on or about December 1991 through May 1995, Respondent self-prescribed approximately 2,243 controlled substance dosage units including Valium, Halcion, Xanax, Seconal, Tylenol #3, Fastin, Percodan, Adipex and Restoril and consumed most of the abovementioned dosage units.

B. Respondent did not maintain medical records for himself during this period of self-prescribing and usage.

FIRST SPECIFICATION

BEING A HABITUAL USER OF NARCOTICS, BARBITURATES AND AMPHETAMINES

Respondent is charged with professional misconduct under N.Y. Education Law §6530(8) by being a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, in that Petitioner charges:

1. The facts in paragraphs A and B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(32) by reason that the Respondent failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

2. The facts in paragraphs A and B.

DATED: *September 14*, 1999
Albany, New York

Redacted Signature

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

Exhibit B

EXHIBIT "B"

Conditions of Monitoring

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any 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 or change of employment, practice/residence address or telephone. This condition shall not be tolled during periods when Respondent is not engaged in the active practice of medicine in New York State.

3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].

4. The period of monitoring shall be tolled during periods in which

Respondent is not engaged in the active practice of medicine in New York State. The period of monitoring shall resume and any terms of monitoring which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

5. Respondent's professional performance may be reviewed by the Director of 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 Respondent and his/her staff at practice locations or OPMC offices.

6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a proceeding against Respondent as may be authorized pursuant to the law.

8. The Director of OPMC, within her sole discretion, may as a condition precedent to Respondent practicing medicine in New York State, require Respondent to provide proof to the satisfaction of a Committee of Professional Medical Conduct that he is not a habitual user of controlled substances and that he is fit and competent to practice medicine. The Director's determination shall not be reviewable by the Administrative Review Board or by a Court of law. Respondent agrees that he will not practice medicine in New York State until he

receives written notification from the Director regarding her determination.

In the event that the Director requires Respondent to provide the abovementioned proof, the determination of whether or not he is fit and competent to practice medicine or a habitual user of controlled substances shall be determined in the sole discretion of the Board, exercised by a Committee after Respondent has met the burden of proof and persuasion in a proceeding as set forth in this agreement. Respondent understands and agrees that the Committee's exercise of such discretion shall not be reviewable through recourse to the Administrative Review Board.

Respondent understands and agrees that his application for resumption of practice will not be submitted to a Committee until he has provided certain minimum evidence of his fitness and competence as set forth in paragraph 8. He understands and agrees that proceedings before said Committee shall not be in the nature of a hearing pursuant to New York Public Health Law §230, but shall, instead, be informal and intended only for the purpose of addressing any and all facts, evidence, circumstances, or issues which do or may relate to the advisability of permitting Respondent to resume the practice of medicine in the State of New York. Respondent understands and agrees that the procedural nature of said proceeding shall be determined by the Board through the discretion of the Office of Professional Medical Conduct.

9. Respondent understands that upon his request, a meeting of a committee of the Board shall be convened for the purpose of making the showing referred to in paragraph 8. The Board will make reasonable attempts to convene a committee not later than 90 days after the Director of OPMC receives his request, which *must* include all that is required to be provided by Respondent pursuant to paragraph 10 below. Failure by Respondent to provide such material will delay the convening of a committee.

10. At the time that Respondent requests that a meeting of a committee of the Board be scheduled, pursuant to paragraph 9, he will provide the Director of OPMC, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, with the following:

- a. The signed acknowledgment from the sobriety monitor referred to in paragraph 12b.
- b. The signed acknowledgment from the supervising physician referred to in paragraph 12c.
- c. The signed acknowledgment from the health care professional referred to in paragraph 12d.
- d. Certified true and complete copies of records of all evaluations and treatment, relating to his drug usage, whether that evaluation and treatment occurred prior to or during the time this order is in effect. These records should include the results of all urine/blood/breathalyser tests conducted to detect the presence of drugs/alcohol.
- e. Fully executed waivers of patient confidentiality concerning any previous and prospective evaluation and treatment records.
- f. An independent current in-depth chemical dependency evaluation by a health care professional in a licensed facility and, upon the direction of the Director of OPMC, an independent, complete psychiatric evaluation by a board certified psychiatrist.
- g. Respondent's attendance at, participation in, and cooperation with an interview conducted by personnel of OPMC, upon the request of the Director thereof.

Provision of the aforesaid documents does not constitute a showing that Respondent is not a habitual user of drugs.

11. At the proceeding referred to in paragraph 9, Respondent will provide the committee, at a minimum, with the following:

- a. Certified true and complete records of treatment in a residential rehabilitation or day-treatment program or intensive treatment in an out-patient service.
- b. Evidence of compliance with the terms of a continuing after-care out-patient treatment plan that addresses the major problems associated with his illness.

Submission of the aforesaid evidence does not constitute a showing that Respondent is not a habitual user of drugs.

12. If the Chairperson of the committee issues an order permitting Respondent to resume the practice of medicine, the Order shall include a period during which Respondent's practice of medicine shall be subject to conditions imposed pursuant to New York Public Health Law §230. Respondent's practice shall be subject to such conditions for a period of no less than five years. The minimum conditions will be the following:

- a. Respondent will remain drug and alcohol free.
- b. Respondent's sobriety will be monitored by a health care professional, proposed by Respondent and approved in writing by the Director of OPMC, in accordance with the conditions as set forth in or annexed to the Order. Said monitor shall acknowledge his/her willingness to comply with the monitoring by executing the acknowledgment provided by OPMC, and referred to in paragraph 10(a). Said monitor shall be familiar with Respondent's history of drug usage, and with the conditions of practice set forth in or annexed to the Order. Said monitor shall not be Respondent's treating physician. Said monitor shall not be a personal friend of Respondent.

- i. Said monitor shall see Respondent at least twice during a quarter.
 - ii. Said monitor shall direct Respondent to submit to unannounced tests of his blood, breath, and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by Respondent or is positive.
 - iii. Said monitor shall report to OPMC any noncompliance with the imposed conditions.
 - iv. Respondent shall ensure that said monitor submits to OPMC quarterly reports either certifying Respondent's compliance, or detailing Respondent failure to comply, with each of the conditions imposed. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.
- c. Respondent will be supervised in his medical practice by a licensed physician, proposed by Respondent and approved in writing by the Director of OPMC, in accordance with the conditions contained in or annexed to the Order. Said supervising physician shall be familiar with Respondent's history of drug usage and with the Order and its conditions. Said supervisor shall supervise Respondent's compliance with the conditions of practice imposed by the Order. Said supervising physician shall be in a position regularly to observe and assess Respondent's medical practice. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing the acknowledgment provided by OPMC, and referred to in paragraph 10(b).
 - i. Said supervising physician shall have the authority to

- direct Respondent to submit to unannounced tests of Respondent blood, breath, and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by Respondent or is positive.
- ii. Respondent shall ensure that said supervising physician submits to OPMC quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying his compliance or detailing Respondent failure to comply with each condition imposed.
 - iii. Said supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.
- d. Respondent will continue in treatment with a health care professional proposed by Respondent and approved in writing by the Director of OPMC, for as long as the health care professional determines it is necessary.
- i. Respondent shall ensure that his treating health care professional submits to OPMC quarterly reports certifying that he is complying with the treatment.
 - ii. Said treating health care professional shall report to OPMC immediately if Respondent is noncompliant with his treatment plan, or if he demonstrates any significant pattern of absences.
 - iii. Said treating health care professional shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing the acknowledgment provided by OPMC and referred to in paragraph 10(c).

- e. At the direction of the Director of OPMC, Respondent will submit to evaluations by a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding Respondent's condition and his fitness or incapacity to practice medicine.

13. Respondent agrees that the terms set out in paragraph 12 are the minimum conditions to be imposed upon resumption of his practice in New York State, and that other terms may be added by the Committee, and that the costs of complying with all such terms will be Respondent's responsibility. Respondent understands that any failure by him to comply with the conditions imposed upon his practice, may result in disciplinary action being brought against him charging professional misconduct as defined by the New York State Education Law, including, but not limited to N.Y. Educ. Law § 6530(29).

EXHIBIT a



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonio C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

PUBLIC

February 27, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey Stein, M.D.
Redacted Address

Re: License No. 186247

Dear Dr. Stein:

Enclosed please find Order #BPMC 04-42 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 5, 2004.

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

Sincerely,

Redacted Signature

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Lawrence J. Vilardo, Esq.
Connors, Vilardo, LLP
1020 Liberty Building
420 Main Street
Buffalo, NY 14202

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.
CO-03-05-2476-A

CONSENT
AGREEMENT
AND ORDER

JEFFREY STEIN, M.D., (Respondent) deposes and says:

That on or about July 17, 1991, I was licensed to practice as a physician in the State of New York, having been issued License No. 186247 by the New York State Education Department.

My current address is Redacted Address) and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications of professional misconduct, based solely upon disciplinary action taken in the State of Nevada.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the Factual Allegations and the Second Specification, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

Censure and Reprimand.

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

I, hereby, make this Application to the State Board for Professional Medical Conduct (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 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 shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, in consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I, hereby, apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 2/6/04

Redacted Signature

JEFFREY STEIN, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2/10/04

Redacted Signature

LAWRENCE J. VILARDO, ESQ.
Attorney for Respondent

DATE: 17 February 2004

Redacted Signature

ROBERT BOSAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 23 February 2004

Redacted Signature

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

JEFFREY STEIN, M.D.
CO-03-05-2476-A

STATEMENT

OF

CHARGES

JEFFREY STEIN, M.D., the Respondent, was authorized to practice medicine in New York state on July 17, 1991, by the issuance of license number 186247 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 24, 2003, the Board of Medical Examiners of the State of Nevada, (hereinafter "Nevada Board"), by an Amended Findings of Fact, Conclusions of Law, and Order (hereinafter "Nevada Order"), fined Respondent \$200.00 for each of two (2) counts, required him to complete six (6) hours of CME in ethics, and to pay \$2,819.02 costs, based on making a false answer to a question on the Nevada license application.

B. The conduct resulting in the Nevada Board disciplinary action 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(16) (willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine).

SPECIFICATIONS

FIRST 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 findings was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York Education Law §8530(9)(d) by having disciplinary action taken 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, in that Petitioner charges:

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

DATED: *February 18*, 2004
Albany, New York

Redacted Signature

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

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

IN THE MATTER
OF
JEFFREY STEIN, M.D.

CONSENT
ORDER

BPMC No. 04-42

Upon the proposed agreement of JEFFREY STEIN, M.D., (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/26/04

Redacted Signature

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

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