



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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Office of Professional Medical Conduct

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

November 29, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Enrique Bursztyn, M.D.
Yonkers Imaging
955 Yonkers Ave.
Yonkers, NY 10704

RE: License No. 145707

Dear Dr. Bursztyn:

Enclosed please find Order #BPMC 01-293 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 29, 2001.

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
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 stylized and written in a cursive-like font.

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

Enclosure

cc: Arthur S. Friedman, Esq.
275 Madison Avenue
New York, NY 10016

Marcia Kaplan, Esq.

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

**IN THE MATTER
OF
ENRIQUE MARCOS BURSZTYN, M.D.**

**CONSENT
ORDER**
BPMC No. 01-293


Upon the proposed agreement of ENRIQUE MARCOS BURSZTYN, 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 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: 11/29/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
ENRIQUE MARCOS BURSZTYN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

STATE OF NEW YORK)
COUNTY OF) ss.:

ENRIQUE MARCOS BURSZTYN, M.D., (Respondent) being duly sworn,
deposes and says:

That on or about April 10, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 145707 by the New York State Education Department.

My current residence address is 3636 Lenwood Avenue, New Jersey 07605 and my current office address is Yonkers Imaging, 955 Yonkers Avenue, Yonkers, N.Y. 10704, 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 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 do not contest the First Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

A \$10,000 fine and 150 hours of public service.

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 possesses his license;

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 license;

That Respondent shall pay the \$10,000 fine to which he is subject, pursuant to §230-a(7) and (9) of the Public Health Law, of which he shall pay \$5000 within 30 days of the effective date of this order, and the remaining \$5000 within one year of the effective date of this order.

That Respondent shall perform the 150 hours of public service to which he is subject, pursuant to §230-a(9) of the Public Health Law, within two years of the effective date of this order. The public service to be performed by Respondent must be medical in nature, and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population. A written proposal for public service must be submitted to, and is subject to the written approval of, the Director of OPMC. Public service performed prior to written approval shall not be credited toward compliance with this Order.

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 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 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.

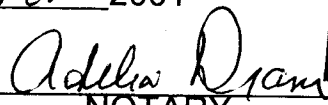
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board which may be accomplished by mailing, by first class mail, a copy of 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.

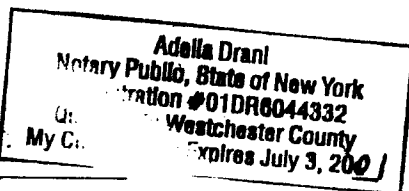
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing 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.


ENRIQUE MARCOS BURSZTYN, M.D.
RESPONDENT

DATED 11/15/0

Sworn to before me
on this 15 day of
Nov 2001


NOTARY

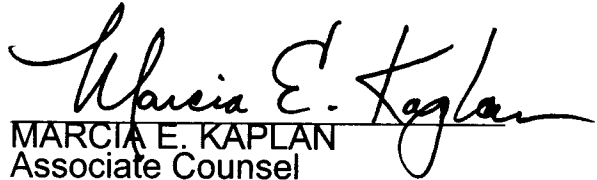


The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/19/2001


ARTHUR S. FRIEDMAN, ESQ.
Attorney for Respondent

DATE: November 20, 2001


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: November 28, 2001


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
ENRIQUE MARCOS BURSZTYN, M.D.**

**STATEMENT
OF
CHARGES**

ENRIQUE MARCOS BURSZTYN, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 10, 1981, by the issuance of license number 145707 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Pursuant to a "Management Agreement" dated March 1, 1990, Respondent engaged in an unlawful percentage fee-sharing agreement with North Bronx Resource, Inc.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

IMPERMISSIBLE FEE-SHARING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(19) by permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice medicine, or a legally authorized trainee practicing under the supervision of a licensee, as alleged in the facts of:

1. Paragraph A.

DATED: November , 2001
New York, New York

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct