



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.
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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

Kendrick A. Sears, M.D.
Chairman

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

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

Public

September 28, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Edward N. Feldman, M.D.
2910 Knights Avenue
Tampa, FL 33611

Re: License No. 123902

Dear Dr. Feldman:

Enclosed is a copy of Order #BPMC 05-206 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 5, 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,

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

Enclosure

cc: Bruce D. Lamb, Esq.
Ruden, McClosky
2700 Suntrust Financial Centre
401 East Jackson Street
Tampa, FL 33602

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

IN THE MATTER
OF
EDWARD NEIL FELDMAN, M.D.

CONSENT
ORDER

BPMC NO. #05-206


Upon the proposed agreement of **EDWARD NEIL FELDMAN, 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: 9-28-05


For 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
EDWARD NEIL FELDMAN, M.D.
CO-05-01-0316-A

CONSENT
AGREEMENT
AND ORDER

EDWARD NEIL FELDMAN, M.D., (Respondent) being duly sworn deposes and says:

That on or about June 11, 1975, I was licensed to practice as a physician in the State of New York, having been issued License No. 123902 by the New York State Education Department.

My current address is 2910 Knights Avenue, Tampa, FL 33611.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications 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 two (2) Specifications, in full satisfaction of the charges against me, and hereby agree to the following penalty:

I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

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

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 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.


AFFIRMED:

DATED: 9/16/05


EDWARD NEIL FELDMAN, 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.

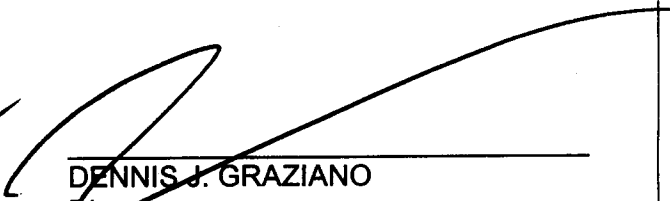
DATE: 9/19/05


BRUCE D. LAMB
Attorney for Respondent

DATE: 20 September 2005


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 September 2005


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
EDWARD NEIL FELDMAN, M.D.
CO-05-01-0316-A

STATEMENT
OF
CHARGES

EDWARD NEIL FELDMAN, M.D., the Respondent, was authorized to practice medicine in New York state on June 11, 1975, by the issuance of license number 123902 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 23, 2003, in the United States District Court, Middle District of Florida, Respondent was found guilty, based on a plea of guilty, of Healthcare Fraud, in violation of 42 USC § 1320a-7b(b)(1), a felony, and on or about July 1, 2004, was sentenced to thirty six (36) months probation, and to pay a \$5,000.00 fine and a \$100.00 special assessment.

B. On or about December 16, 2004, the State of Florida Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), Reprimanded Respondent, imposed a \$10,000.00 administrative fine and \$1,049.53 costs, suspended his license to practice medicine for one (1) year with six (6) months stayed, required him to perform one hundred (100) hours of community service and to complete five (5) hours of CME in Ethics, based on being convicted of a crime as set forth in Paragraph A, above.

C. The conduct resulting in the Florida 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(9)(a)(ii) having been convicted of committing an act constituting a crime under federal law.

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:


1. The facts in Paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(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, B, and/or C.

DATED: *July 25*, 2005
Albany, New York


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