



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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NYS Department of Health*

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Office of Professional Medical Conduct

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

Public

October 26, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Allan Zubkin, M.D.
1180 Graces Way
Clermont, FL 34711

Re: License No. 172265

Dear Dr. Zubkin:

Enclosed is a copy of Order #BPMC 05-239 of the New York State Board for Professional Medical Conduct. This order 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,

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

Enclosure

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

IN THE MATTER

SURRENDER

OF

ORDER

**ALLAN ZUBKIN, M.D.
CO-05-07-3606-A**

BPMC No. #05-239

ALLAN ZUBKIN, M.D., says:

On or about September 8, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 172265 by the New York State Education Department. I currently reside at 1180 Graces Way, Clermont, FL 34711.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 10-16-05, 2005

Allan Zubkin
ALLAN ZUBKIN, M.D.
Respondent

AGREED TO:

Date: 18 October, 2005

Robert Bogan
ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 21 October, 2005

Dennis J. Graziano
DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

IN THE MATTER
OF
ALLAN ZUBKIN, M.D.
CO-05-07-3606-A

STATEMENT
OF
CHARGES

ALLAN ZUBKIN, M.D., the Respondent, was authorized to practice medicine in New York state on September 8, 1987, by the issuance of license number 172265 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 14, 2005, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), reprimanded Respondent, fined him \$15,000.00, imposed \$3,000.00 costs, required him to complete CME courses in medical records, prescribing abusable drugs, and medical risk management, to undergo an assessment, and to perform one hundred (100) hours community service, based on failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances and prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of Respondent's professional practice, and failing to keep legible medical records that justify the course of treatment of the patient

B. 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence); and/or
3. New York Education Law §6530(32) (failure to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient) .

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 New York state, in that Petitioner charges:

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

DATED: *September 22*, 2005
Albany, New York


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

ORDER


Upon the proposed agreement of **ALLAN ZUBKIN, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10-25, 2005


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