



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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NYS Department of Health

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Office of Professional Medical Conduct

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Vice Chair

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

Public

October 31, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harold Katz, M.D.
8815 Howard Forest Lane
Baltimore, MD 21208-6343

Re: License No. 142531

Dear Dr. Katz:

Enclosed is a copy of Order #BPMC 06-254 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 7, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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: Joseph C. Garland, Esq.
Nash & Associates, LLC
Cromwell Center
809 Glen Eagles Court, Suite 201
Towson, MD 21286

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

IN THE MATTER

OF

HAROLD KATZ, M.D.
CO-05-08-4267-A

CONSENT

AGREEMENT

AND ORDER

BPMC No. 06-254

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

That on or about July 1, 1980, I was licensed to practice as a physician in the State of New York, and issued License No. 142531 by the New York State Education Department.

My current address is 8815 Howard Forest Lane, Baltimore, MD 21208-6343, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) 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 have not practiced medicine in New York State in many years and I do not intend to return to practice medicine in New York State. I, therefore, do not contest the two (2) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

To never activate my registration to practice medicine in New York State.

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

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely

manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. 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 Consent Order shall constitute misconduct as defined by New York 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 New York 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 Consent 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. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 10-17-06



HAROLD KATZ, M.D.
Respondent

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

DATE: 10-17-06


JOSEPH C. GARLAND
Respondent's Attorney

DATE: 18 October 2006


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 27 October 2006


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
HAROLD KATZ, M.D.
CO-05-08-4267-A

STATEMENT
OF
CHARGES

HAROLD KATZ, M.D., Respondent, was authorized to practice medicine in New York state on July 1, 1980, by the issuance of license number 142531 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 22, 2006, the Maryland State Board of Physicians (hereinafter "Maryland Board"), by a Consent Order (hereinafter "Maryland Order 1"), **SUSPENDED** Respondent's license to practice medicine until conditions are satisfied that include, inter alia, that he successfully complete an inpatient treatment program and that upon discharge from the inpatient facility he undergo a re-evaluation; and that if the Maryland Board lifts the suspension that he be placed on five (5) years **PROBATION** under terms and conditions, based on unprofessional conduct in the practice of medicine, addiction to or habitual abuse of any narcotic or controlled or dangerous substance, and providing professional services while under a controlled dangerous substance in excess of therapeutic amounts or without valid medical indication.

B. On or about June 29, 2006, the Maryland Board by an Order Terminating Suspension, Order of Probation (hereinafter "Maryland Order 2"), terminated the **SUSPENSION** set forth in Maryland Order 1, set forth in Paragraph A, above; and placed Respondent on five (5) years **PROBATION**, subject to the conditions of probation, set forth in Maryland Order 1, set forth in Paragraph A, above.

C. The conduct resulting in the Maryland Board disciplinary actions 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(7) (practicing the profession while impaired by drugs);
2. New York Education Law §6530(8) (being dependent on alcohol or a habitual user of drugs); and/or
3. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) 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 finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state:

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

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *August 23*, 2006
Albany, New York


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
HAROLD KATZ, M.D.

CONSENT
ORDER

Upon the application of (Respondent), **HAROLD KATZ, 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 it is further

ORDERED, that this Consent 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: 10-30-2006



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