



New York State Board for Professional Medical Conduct

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

Richard F. Daines, M.D.
Commissioner
NYS Department of Health

Keith W. Servis
Director
Office of Professional Medical Conduct

Public

Kendrick A. Sears, M.D.
Chair

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

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

March, 30 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Pieter Kark, M.D.
1600 Villa Street
Apartment 305
Mountain View, California 94041

Re: License No. 169991

Dear Dr. Kark:

Enclosed is a copy of Order #BPMC 07-68 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect April 6, 2007.

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, 433 River Street, Suite 303, Troy, NY 12180.

Sincerely,

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

Enclosure

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

IN THE MATTER
OF
PIETER KARK, M.D.

CONSENT
ORDER

BPMC No. 07-68

Upon the application of (Respondent) PIETER KARK, 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.

DATE: 3-29-2007



KENDRICK A. SEARS, 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
PIETER KARK, M.D.

CONSENT
AGREEMENT
AND
ORDER

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

That on or about May 5, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 169991 by the New York State Education Department.

My current address is 1600 Villa Street, Apartment 305, Mountain View, California 94041, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two 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 do not contest the specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(6), my license to practice medicine in New York State shall be limited so that I may never register 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 N.Y. Educ. 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 N.Y. Pub. Health Law.

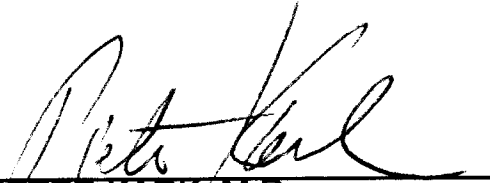
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the 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 N.Y. Pub. 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.

DATE 3/18/07


PIETER KARK, M.D.
RESPONDENT

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

DATE: 3/20/07

Valerie B. Donovan
VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 3/28/07

Keith W. Servis
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

Exhibit "A"

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

IN THE MATTER
OF
PIETER KARK, M.D.

STATEMENT
OF
CHARGES

PIETER KARK, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 5, 1987, by the issuance of license number 169991 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between in or about November, 2000 through in or about January, 2004, Patient A (patients are identified in Appendix A) sought medical care at Respondent's medical office for numbness in her legs. Respondent's treatment and/or care of Patient A did not meet acceptable standards in that:
1. Respondent's physical examination results were inaccurate.
 2. Respondent diagnosed Patient A with multiple sclerosis, or persisted in including that diagnosis in his differential diagnosis, without adequate indication or evaluation.
 3. Respondent treated Patient A for multiple sclerosis without adequate indication.
 4. Respondent misinterpreted certain diagnostic evaluations and failed to perform or order others.
- B. In or about September, 2003, Patient B sought medical care at Respondent's medical office for fatigue and sleepiness. Respondent's treatment and/or care of Patient B did not meet acceptable standards in that Respondent diagnosed

and treated Patient B for epilepsy, or persisted in including that diagnosis in his differential diagnosis, without adequate indication or evaluation.

C. Between in or about March, 2002 through in or about January, 2003, Patient C sought medical care at Respondent's medical office. Respondent's treatment and/or care of Patient C did not meet acceptable standards in that:

1. Respondent's physical examination results were inaccurate.
2. Respondent diagnosed Patient C with multiple sclerosis, or persisted in including that diagnosis in his differential diagnosis, without adequate indication or evaluation.
3. Respondent treated Patient C for multiple sclerosis without adequate indication.
4. Respondent misinterpreted certain diagnostic evaluations and failed to perform or order others.

D. Between in or about July, 2003 through in or about February, 2004, Patient D sought medical care at Respondent's medical office. Respondent's treatment and/or care of Patient D did not meet acceptable standards in that Respondent diagnosed and treated Patient D for seizure disorder and multiple sclerosis and/or persisted in including these diagnoses in his differential diagnosis, without adequate indication or evaluation.

E. Between in or about June, 2003 through in or about December, 2003, Patient E sought medical care at Respondent's medical office. Respondent's treatment and/or care of Patient E did not meet acceptable standards in that:

1. Respondent's physical examination results were inaccurate.
2. Respondent diagnosed Patient E with abdominal epilepsy, or persisted in including that diagnosis in his differential diagnosis, without adequate indication or evaluation.

F. Between in or about October, 1998 through in or about January, 2004, Patient G sought medical care at Respondent's medical office. Respondent's treatment and/or care of Patient G did not meet acceptable standards in that Respondent diagnosed and treated Patient G for multiple sclerosis, or persisted in including that diagnosis in his differential diagnosis, without adequate indication.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B, C and C.1, C and C.2, C and C.3, C and C.4, D, E and E.1, E and E.2 and/or F.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A and A.1, A and A.2, A and A.3, A and

A.4, B, C and C.1, C and C.2, C and C.3, C and C.4,
D, E and E.1, E and E.2 and/or F.

DATE: March 20, 2007
Albany, New York



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