



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

August 24, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Brian Halevie-Goldman, M.D.
278 Santa Fe Drive
Walnut Creek, CA 94598

Re: License No. 145446

Dear Dr. Halevie-Goldman:

Enclosed is a copy of Order #BPMC 07-186 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 31, 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 and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

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
BRIAN HALEVIE-GOLDMAN, M.D.

CONSENT
ORDER
BPMC No. #07-186

Upon the application of (Respondent), **BRIAN HALEVIE-GOLDMAN, 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

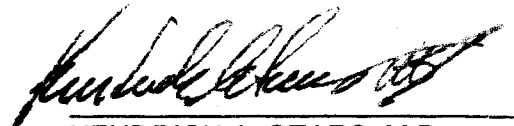
ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

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: 8-23-07



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
BRIAN HALEVIE-GOLDMAN, M.D.
CO-07-04-2099-A

CONSENT
AGREEMENT
AND ORDER

BRIAN HALEVIE-GOLDMAN, M.D., representing that all of the following statements are true, deposes and says:

That on or about April 3, 1981, I was licensed to practice as a physician in the State of New York, and issued License No. 145446 by the New York State Education Department.

My current address is 278 Santa Fe Drive, Walnut Creek, CA 94598.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely upon the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, April 16, 2007, Decision.

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 the practice of medicine in New York State. I do not, therefore, contest Factual Allegations A and B(2) and (5) and the Second Specification, in full satisfaction of the charges against me and agree, hereby, to the following:

to 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 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: 3/1/11

Brian Halevie-Goldman
BRIAN HALEVIE-GOLDMAN, M.D.
Respondent

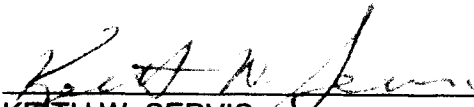
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 15 August 2007



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/21/07



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
BRIAN HALEVIE-GOLDMAN, M.D.
CO-07-04-2099-A

STATEMENT
OF
CHARGES

BRIAN HALEVIE-GOLDMAN, M.D., Respondent, was authorized to practice medicine in New York state on April 3, 1981, by the issuance of license number 145446 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 16, 2007, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's license to practice medicine, stayed the revocation and placed him on five (5) years probation on terms and conditions that include, inter alia, ninety (90) days actual suspension, that he enroll in and successfully complete a Prescribing Practices Course, a Medical Record Keeping Course, and an Ethics Course, that he undergo a Psychiatric Evaluation, that his practice of medicine be monitored, that during the probation he is prohibited from practicing, performing, or treating any condition except psychiatric conditions, he is prohibited from supervising Physician Assistants, that he not engage in the practice of medicine from his place of residence, and that he pay costs of probation and monitoring, based on gross negligence; repeated negligent acts; prescribing, furnishing, and/or dispensing dangerous drugs without a prior good faith examination and medical indication therefore; failure to keep adequate and accurate records; knowingly making and signing a document related to the practice of medicine which falsely represents the existence of a state of facts

B. The conduct resulting in the California 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(2) (practicing the profession fraudulently);
2. New York Education Law §6530 (3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(11) (permitting an unlicensed person to perform activities requiring a license); and/or
5. New York Education Law §6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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, in that Petitioner charges:


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

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 and/or B.

DATED: *June 26*, 2007
Albany, New York


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