



Public

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
James W. Clyne, Jr.
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Carmela Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

June 1, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Lev Z. Bentsianov, M.D.

REDACTED

Re: License No. 147176

Dear Dr. Bentsianov:

Enclosed is a copy of Order BPMC #10-90 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 8, 2010.

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: Office of Professional Medical Conduct, c/o Physician Monitoring Unit, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299.

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1717
Empire State Plaza
Albany, New York 12237

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Bruce Rosenberg, Esq.
Rosenberg Law, P.C.
2631 Merrick Road, Suite 301
Bellmore, NY 11710

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

IN THE MATTER
OF
LEV BENTSIANOV, M.D.

SURRENDER
ORDER

BPMC No. #10-90

Upon the application of LEV BENTSIANOV, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

ORDERED, that Respondent's name 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, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 5-30-2010

REDACTED

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
LEV BENTSIANOV, M.D.**

**SURRENDER
of
LICENSE**

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

That on or about July 24, 1981, I was licensed to practice as a physician in the State of New York and issued License No.147176 by the New York State Education Department.

My current address is REDACTED 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 has charged me with eighty-three (83) specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Surrender of License.

I state that I cannot successfully defend against the allegations of misconduct and specifications one through eighty-three, set forth in the Statement of Charges (Exhibit "A"), in full satisfaction of the charges against me.

Based upon this plea, I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the

State of New York and agreeing, further, that

Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of \$80,000, to be paid in full within 6 months of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1717
Albany, New York 12237

I ask the Board to accept this application and my Surrender of License, and I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept my Surrender of License, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application 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 the Public Health Law.

I agree that, if the Board accepts my Surrender of License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender 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 ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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.

REDACTED

DATE 5/19/10

LEV BENTSIANOV, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: 5/19/10

REDACTED

BRUCE ROSENBERG, ESQ.
Attorney for Respondent

DATE: 5/19/10

REDACTED

CLAUDIA MORALES BLOCH
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 5/27/10

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
LEV BENTSIANOV, M.D.

STATEMENT
OF
CHARGES

LEV BENTSIANOV, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 24, 1981, by the issuance of license number 147176 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent undertook the care and treatment of Patients A - T at L & B Medical, P.C., (L & B) a clinic which Respondent was the sole named owner, located at 153-25 Hillside Avenue, Jamaica, N.Y. 11432. (the identity of each patient and the dates of treatment are set forth in the annexed Appendix) Patients A - T were all involved in motor vehicle accidents and claims for services rendered to each patient were submitted by Respondent and/or on his behalf, to Allstate Insurance Company (Allstate) under the New York Motor Vehicle No-Fault Insurance Law.
1. Respondent knowingly and/or wilfully, and with intent to deceive Allstate, rendered care and treatment to these patients in bad faith and as a vehicle to falsely submit No-Fault claims to Allstate for services which were not medically indicated nor justified; excessive and not warranted by the condition of the patient; never, in fact, rendered to the patient; and/or not performed. In furtherance of said false submissions, Respondent knowingly and/or wilfully created and/or caused to

Exh. "A"

be created, false medical records and initial narrative reports to Allstate as set forth more fully in the paragraphs below.

- B. Respondent failed to obtain and/or note an adequate and good faith medical history, and/or history of current complaints from Patients A - T.
- C. Respondent failed to perform and/or note adequate and good faith physical examinations of Patients A - T.
- D. Respondent failed to appropriately and/or in good faith diagnose and/or note conditions regarding Patients A - T, and/or to follow up on and/or rule out diagnosis, to wit: fibromyalgia, post-traumatic stress syndrome, myositis, sprain of the cervical muscles and ligaments, sprain of the lumbosacral paraspinal muscles and ligaments, cervical radiculopathy, and lumbosacral radiculopathy. Diagnosis made by Respondent, or made by employees of L & B under his supervision, were unsupported by the record.
- E. Respondent knowingly and/or wilfully created and submitted to Allstate, and/or caused to be created and be submitted to Allstate, narrative reports of the initial consultation visits with Patients A - T which were false and inconsistent with the written progress note of the initial visit and/or record as a whole.
- F. Respondent inappropriately and without medical indication or justification ordered and/or referred Patients A - T for chiropractor consultation, psychology consultation and/or acupuncture consultation.
- G. Respondent failed to provide and/or note medical and clinical follow-up for Patients A - T, including failing to reassess and observe the patients and failing to adjust treatment plans appropriately, especially after various diagnostic testing was done and physical therapy was performed over time.
- H. On multiple occasions for each patient, Patients A - T, Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or

caused bills to be submitted on his behalf, for nerve destruction procedures, to wit: destruction by neurolytic agent, chemodenervation of muscle endplate, cervical spinal muscles and destruction by neurolytic agent, paravertebral facet joint nerve, lumbar, single level; when, in fact, said services were not rendered. Respondent intended to deceive. Furthermore, performance of these procedures on said patients would be inappropriate and not warranted by the condition of the patient.

- I. Respondent inappropriately and without medical indication or justification ordered MRIs of the cervical and lumbar spines for Patients A - T. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf, for these tests. Respondent intended to deceive.
- J. Respondent inappropriately and without medical indication or justification ordered EKGs for Patients A, C, D, F, H, J, N, O, R and S. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf, for these tests. Respondent intended to deceive.
- K. On numerous occasions, Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf, for manual muscle testing (total evaluation of the body including hands) performed on Patients A - T, when, in fact, such testing was not done, and he knowingly and/or wilfully and intentionally falsely billed for cervical range of motion, lumbar range of motion and manual muscle testing as separate procedures which were all medically unnecessary. In each instance, Respondent intended to deceive.
- L. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf, for Synaptic nerve blocks

on Patients A - T when only transcutaneous electrical nerve stimulation (TENS) technique, a physical therapy modality was performed and/or noted to have been performed. Respondent intended to deceive.

- M. Patient A - T all underwent physical therapy at L & B for which Respondent, through L & B, submitted bills to Allstate. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf, for physical therapy sessions which, in fact, did not occur. Respondent intended to deceive.
- N. Respondent inappropriately and without good faith medical indication or justification prescribed and/or authorized employees of L & B to prescribe, various durable goods for Patients A - T, to wit: cervical pillow, cervical collar, lumbar cushion, thermophore, back support and/or car seat.
- O. With respect to the following patients, Respondent failed to address, appropriately follow-up on and/or knowingly and/or wilfully falsely noted medical conditions, to wit:
1. Patient E: elevated blood pressure.
 2. Patient F: A large mass in the pelvis revealed on MRI.
 3. Patient G: Respondent's initial office visit with the patient was recorded as October 17, 2001, the same day as the motor vehicle accident. Respondent documents difficulty falling asleep, staying asleep as well as accident flashbacks.
 4. Patient H: elevated blood pressure.
 5. Patient Q: MRI findings of focal single level lumbar osteophytes in this 19 year old patient.
 6. Patient S: elevated blood pressure.
 7. Patient T: elevated blood pressure.
- P. Respondent inappropriately and without good faith medical indication or

justification performed a Functional Capacity Evaluation on Patients G, M and O. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on his behalf these evaluations. Respondent intended to deceive.

- Q. Respondent knowingly and/or wilfully and intentionally created and/or caused to be created a medical record for Patients A - T which did not accurately reflect the care and treatment rendered to the patient. Respondent intended to deceive.
- R. Respondent failed to maintain a medical record for Patients A -T in accordance with accepted medical standards and in a manner which accurately reflects his care and treatment of each patient.

SPECIFICATION OF CHARGES

FIRST THROUGH TWENTIETH SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A, A.1., B through N, Q and R as to Patient A;
2. Paragraph A, A.1., B through I, K through N, Q and R as to Patient B;
3. Paragraph A, A.1., B through N, Q and R as to Patient C;
4. Paragraph A, A.1., B through N, Q and R as to Patient D;
5. Paragraph A, A.1., B through I, K through N, O, O.1, Q and R as to Patient E;
6. Paragraph A, A.1., B through N, N.2, O, O.2, Q and R as to Patient F;

7. Paragraph A, A.1., B through I, K through N, O, O. 3, P, Q and R as to Patient G;
8. Paragraph A, A.1., B through N, O, O.4, Q and R as to Patient H;
9. Paragraph A, A.1., B through I, K through N, Q and R as to Patient I;
10. Paragraph A, A.1., B through N, Q and R as to Patient J;
11. Paragraph A, A.1., B through I, K through N, Q and R as to Patient K;
12. Paragraph A, A.1., B through I, K through N, Q and R as to Patient L;
13. Paragraph A, A.1., B through I, K through N, P, Q and R as to Patient M;
14. Paragraph A, A.1., B through N, Q and R as to Patient N;
15. Paragraph A, A.1., B through N, P, Q and R as to Patient O;
16. Paragraph A, A.1., B through I, K through N, Q and R as to Patient P;
17. Paragraph A, A.1., B through I, K through N, O, O.5, Q and R as to Patient Q;
18. Paragraph A, A.1., B through N, Q and R as to Patient R;
19. Paragraph A, A.1., B through N, O, O.6, Q and R as to Patient S;
20. Paragraph A, A.1., B through I, K through N, O, O.7, Q and R as to Patient T

TWENTY-FIRST THROUGH FORTY SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of the following:

21. Paragraphs A, A.1., E, H through M as to Patient A;
22. Paragraphs A, A.1., E, H through M as to Patient B;
23. Paragraphs A, A.1., E, H through M as to Patient C;
24. Paragraphs A, A.1., E, H through M as to Patient D;
25. Paragraphs A, A.1., E, H through M as to Patient E;
26. Paragraphs A, A.1., E, H through M as to Patient F;
27. Paragraphs A, A.1., E, H through M, and P as to Patient G;
28. Paragraphs A, A.1., E, H through M as to Patient H;
29. Paragraphs A, A.1., E, H through M as to Patient I;
30. Paragraphs A, A.1., E, H through M as to Patient J;
31. Paragraphs A, A.1., E, H through M as to Patient K;
32. Paragraphs A, A.1., E, H through M as to Patient L;
33. Paragraphs A, A.1., E, H through M, and P as to Patient M;
34. Paragraphs A, A.1., E, H through M as to Patient N;
35. Paragraphs A, A.1., E, H through M, and P as to Patient O;
36. Paragraphs A, A.1., E, H through M as to Patient P;
37. Paragraphs A, A.1., E, H through M as to Patient Q;
38. Paragraphs A, A.1., E, H through M as to Patient R;
39. Paragraphs A, A.1., E, H through M as to Patient S;
40. Paragraphs A, A.1., E, H through M as to Patient T;

FORTY-FIRST THROUGH SIXTIETH SPECIFICATION

EXCESSIVE TESTS AND TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35) by the ordering of excessive tests and/or treatment not warranted by the condition of the patient, as alleged in the facts of the following:

41. Paragraphs A, A.1, F, I, J and N as to Patient A;
42. Paragraphs A, A.1, F, I, and N as to Patient B;
43. Paragraphs A, A.1, F, I, J and N as to Patient C;
44. Paragraphs A, A.1, F, I, J and N as to Patient D;
45. Paragraphs A, A.1, F, I and N as to Patient E;
46. Paragraphs A, A.1, F, I, J and N as to Patient F;
47. Paragraphs A, A.1, F, I, N and P as to Patient G;
48. Paragraphs A, A.1, F, I, J and N as to Patient H;
49. Paragraphs A, A.1, F, I and N as to Patient I;
50. Paragraphs A, A.1, F, I, J and N as to Patient J;
51. Paragraphs A, A.1, F, I and N as to Patient K;
52. Paragraphs A, A.1, F, I and N as to Patient L;
53. Paragraphs A, A.1, F, I, N and P as to Patient M;
54. Paragraphs A, A.1, F, I, J and N as to Patient N;
55. Paragraphs A, A.1, F, I, J, N and P as to Patient O;
56. Paragraphs A, A.1, F, I and N as to Patient P;
57. Paragraphs A, A.1, F, I and N as to Patient Q;
58. Paragraphs A, A.1, F, I, J and N as to Patient R;
59. Paragraphs A, A.1, F, I, J and N as to Patient S;
60. Paragraphs A, A.1, F, I, J and N as to Patient T.

SIXTY-FIRST SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

61. Paragraphs A, A.1., B through M, N, O, O.1 through O.7, P, Q and R.

SIXTY-SECOND 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:

62. Paragraphs A, A.1., B through M, N, O, O.1 through O.7, P, Q and R.

SIXTY-THIRD SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

63. Paragraphs A, A.1., B through M, N, O, O.1 through O.7, P, Q and R.

SIXTY-FOURTH THROUGH EIGHTY-THIRD SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of the following:

64. Paragraphs B, C, D, E, G, Q and R as to Patient A;
65. Paragraphs B, C, D, E, G, Q and R as to Patient B;
66. Paragraphs B, C, D, E, G, Q and R as to Patient C;
67. Paragraphs B, C, D, E, G, Q and R as to Patient D;
68. Paragraphs B, C, D, E, G, O, O.1, Q and R as to Patient E;
69. Paragraphs B, C, D, E, G, O, O.2, Q and R as to Patient F;
70. Paragraphs B, C, D, E, G, O, O.3, Q and R as to Patient G;
71. Paragraphs B, C, D, E, G, O, O.4, Q and R as to Patient H;
72. Paragraphs B, C, D, E, G, Q and R as to Patient I;
73. Paragraphs B, C, D, E, G, Q and R as to Patient J;
74. Paragraphs B, C, D, E, G, Q and R as to Patient K;
75. Paragraphs B, C, D, E, G, Q and R as to Patient L;
76. Paragraphs B, C, D, E, G, Q and R as to Patient M;
77. Paragraphs B, C, D, E, G, Q and R as to Patient N;
78. Paragraphs B, C, D, E, G, Q and R as to Patient O;
79. Paragraphs B, C, D, E, G, Q and R as to Patient P;
80. Paragraphs B, C, D, E, G, O, O.5, Q and R as to Patient Q;
81. Paragraphs B, C, D, E, G, Q and R as to Patient R;
82. Paragraphs B, C, D, E, G, O, O.6, Q and R as to Patient S;

83. Paragraphs B, C, D, E, G, O, O.7, Q and R as to Patient T.

DATE: March 23, 2010
New York, New York

REDACTED

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE
FOLLOWING MEDICAL LICENSE REVOCATION, SURRENDER
OR SUSPENSION OF SIX MONTHS OR MORE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Surrender Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for continued care, as appropriate.
3. Within 30 days of the Surrender Order's effective date, Respondent shall deliver Respondent's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and, for minors, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be provided promptly or sent to the patient at reasonable cost (not to exceed 75 cents per page). Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within 15 days of the Surrender Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Surrender Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Surrender Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, before the Surrender Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Surrender Order, Respondent shall, within 90 days of the Surrender Order's effective date, divest all financial interest in the professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Surrender Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to 4 years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.