



**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

PUBLIC

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

July 2, 2010

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Sofia A. Bentsianov, M.D.

REDACTED

Re: License No. 163251

Dear Dr. Bentsianov:

Enclosed is a copy of Order BPMC #10-115 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 9, 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, Ste. 301  
Bellman, New York 11710

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

AFFIDAVIT

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IN THE MATTER  
OF

Sofia A. Bentsianov, M.D.

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STATE OF \_\_\_\_\_ }

COUNTY OF \_\_\_\_\_ }

ss:

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I, Sofia A. Bentsianov, M.D. the undersigned, hereby state that after having made a diligent search through all of my papers, files, residence(s), office(s), and storage facilities, I am unable to locate my license to practice medicine in the State of New York. I am, therefore, unable to provide the document(s) to the New York State Health Department (the Department), as directed by Order BPMC# 10-115 of the Office of Professional Medical Conduct. I hereby agree and recognize that, should I locate the document(s), I am bound to forward it/them to the Department.

I am advised and I understand that, pursuant to N.Y.S. Education Law §6512, any such person not authorized to practice medicine who practices or offers to practice or holds himself/herself out as being able to practice in New York State shall be guilty of a class E felony. I am further advised and understand that, pursuant to N.Y.S. Education Law §6513, anyone not authorized to use a professional title regulated by Title 8 of the N.Y.S. Education Law who uses such professional title in New York State shall be guilty of a class A misdemeanor. I am also advised and understand that the N.Y.S. Education Law §6522 states that only a person licensed or otherwise authorized under this article shall practice medicine or use the title "physician."

I state that, other than my failure to forward the document(s) to the Department, I am fully in compliance with the Order.

(signed) \_\_\_\_\_

Sworn to before me this

(print) \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_

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NOTARY PUBLIC

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

**IN THE MATTER  
OF  
SOFIA BENTSIANOV, M.D.**

**SURRENDER  
ORDER**

BPMC#: 10-115

Upon the application of SOFIA BENTSIANOV, M.D. to Surrender her 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.

REDACTED

DATE: July 02, 2010

\_\_\_\_\_  
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  
SOFIA BENTSIANOV, M.D.**

**SURRENDER  
of  
LICENSE**

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

That on or about July 22, 1985, I was licensed to practice as a physician in the State of New York and issued License No.163251 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 thirty-nine (39) 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 thirty-nine, 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 \$30,000, 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.

DATE

6/23/10

REDACTED

SOFIA BENTSIANOV, M.D.  
RESPONDENT

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

DATE: 6/23/10

REDACTED

~~BRUCE ROSENBERG, ESQ.~~  
Attorney for Respondent

DATE: 6/24/10

REDACTED

~~CLAUDIA MORALES BLOCH~~  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: July 1, 2010

REDACTED

~~KEITH W. SERVIS~~  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
SOFIA BENTSIANOV, M.D.

STATEMENT  
OF  
CHARGES

SOFIA BENTSIANOV, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 22, 1985, by the issuance of license number 163251 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent undertook the care and treatment of Patients A - I at Dover Medical, P.C., (Dover) a clinic which Respondent was the sole named owner, located at 8008 Flatlands Avenue, Brooklyn, N.Y., 11236. (the identity of each patient and the dates of treatment are set forth in the annexed Appendix) Patients A - I were all involved in motor vehicle accidents and claims for services rendered to each patient were submitted by Respondent and/or on her 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,

Exhibit "A"



Respondent knowingly and/or wilfully created and/or caused to 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 - I.
- C. Respondent failed to perform and/or note adequate and good faith physical examinations of Patients A - I.
- D. Diagnosis made by Respondent, or made by employees of Dover under her supervision, were unsupported by the record. Additionally, Respondent failed to appropriately and/or in good faith diagnose and/or note conditions regarding Patients A - I, 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, and additionally:
  - 1. As to Patient A, knee sprain and anxiety.
  - 2. As to Patient B, contusion anterior chest wall and thorax, injury abdominal and head concussion.
  - 3. As to Patient F, left shoulder hypertrophy of AC joint with impingement, left shoulder contusion and hypertension.
- 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 - I which were false and inconsistent with the record as a whole. Respondent intended to deceive.
- F. Failed to perform and/or note an initial examination of the Patients A - I and knowingly and willfully falsely billed Allstate, and/or caused a bill to be submitted on her behalf for an initial examination which she did not conduct

and/or failed to note.

- G. Respondent inappropriately and without medical indication or justification ordered and/or referred Patients A - I for chiropractic consultation and acupuncture consultation, and, additionally, as to Patients E, F and I, psychiatric consultation.
- H. Respondent failed to provide and/or note medical and clinical follow-up for Patients A - I, including failing to reassess and observe the patients over time and failing to adjust treatment plans appropriately, especially after various diagnostic testing was done and physical therapy was performed over time.
- I. As to Patients C - I, Respondent knowingly and/or willfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on her 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.
- J. Respondent inappropriately and without medical indication or justification ordered for Patients A - I, MRIs of the cervical and/or lumbar spines, EKGs as to Patients B, F and H; and extremity EMGs for Patients C - I. Respondent knowingly and/or willfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on her behalf, for these tests. Respondent intended to deceive. Additionally, Respondent inappropriately order and falsely billed, as alleged herein, for:
  - 1. CAT scan and MRI of the left knee and x-ray of the pelvis and left knee for Patient A,

2. CAT scan of the left knee and MRI of the right knee for Patient D.
  3. MRI of the left shoulder for Patient F.
- K. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on her behalf, for manual muscle testing (total evaluation of the body including hands) performed on Patients A - C and E - I, when, in fact, such testing was not done, and she 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 her behalf, for Synaptic nerve blocks on Patients A - I 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. Respondent inappropriately and without good faith medical indication or justification performed a Functional Capacity Evaluation on Patients A - C and E - I. Respondent knowingly and/or wilfully and intentionally falsely billed Allstate, and/or caused bills to be submitted on her behalf these evaluations. Respondent intended to deceive.
- N. Respondent inappropriately and without good faith medical indication or justification prescribed and/or authorized employees of Dover to prescribe, various durable goods for Patients, to wit:
1. Patient B: Cervical Collar, Cervical Pillow, Lumbosacral Brace, Thermophore, Tens Unit, Tens Belt, Accessory kit to Tens, Heating Vibro Massager, Whirlpool, Bed Board & Egg Crate

- Mattress, Knee Support and Supporting Car Seat,
2. Patient F: Bed Board & Egg Crate Mattress, Massager; Tens Unit; Tens Belt and Red Heating Lamp;
  3. Patient H: Cervical Collar, Cervical Pillow, Thermophore, Tens Unit, Heating Vibro Massager, Tens Belt and Supporting Car. Seat.
- O. Respondent knowingly and/or wilfully and intentionally created and/or caused to be created a medical record for Patients A - I which did not accurately reflect the care and treatment rendered to the patient. Respondent intended to deceive.
- P. Failed to maintain a medical record for Patients A - I in accordance with accepted medical standards and in a manner which accurately reflects her care and treatment of each patient.

**SPECIFICATION OF CHARGES**  
**FIRST THROUGH NINTH 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. Paragraphs A, A.1, B, C, D, D.1, E through H, J, J.1, K through M, O and P as to Patient A,
2. Paragraphs A, A.1, B, C, D, D.2, E through H, J, K through M, N, N.1, O and P as to Patient B,
3. Paragraphs A, A.1, B through M, O and P as to Patient C,
4. Paragraphs A, A.1, B through J, J.2, L, O and P as to Patient D,
5. Paragraphs A, A.1, B through M, O and P as to Patient E,

6. Paragraphs A, A.1, B, C, D, D.3, E through J, J.3, K through N, N.2, O and P as to Patient F,
7. Paragraphs A, A.1, B through M, O and P as to Patient G,
8. Paragraphs A, A.1, B through N, N. 3, O and P as to Patient H,
9. Paragraphs A, A.1, B through M, O and P as to Patient I.

#### **TENTH THROUGH EIGHTEENTH 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:

10. Paragraphs A, A.1, E, F, J, J.1, K, L, M as to Patient A,
11. Paragraphs A, A.1, E, F, J through M as to Patient B,
12. Paragraphs A, A.1. E. F. I through M as to Patient C,
13. Paragraphs A, A.1. E. F. I, J, J.2, K through M as to Patient D,
14. Paragraphs A, A.1. E. F. I, through M as to Patient E,
15. Paragraphs A, A.1. E. F. I, J, J. 3, K through M as to Patient F,
16. Paragraphs A, A.1. E. F. I through M as to Patient G,
17. Paragraphs A, A.1. E. F. I through M as to Patient H,
18. Paragraphs A, A.1. E. F. I through M as to Patient I.

#### **NINETEENTH THROUGH TWENTY-SEVENTH 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:

19. Paragraphs A, G, J, J.1, K, M as to Patient A,
20. Paragraphs A, G, J, K, M, N, N.1 as to Patient B,
21. Paragraphs A, G, I, J, K, M as to Patient C,
22. Paragraphs A, G, I, J, J.2, K as to Patient D,
23. Paragraphs A, G, I, J, K, M as to Patient E,
24. Paragraphs A, G, I, J, J.3, K, M, N, N.2 as to Patient F,
25. Paragraphs A, G, I, J, K, M as to Patient G,
26. Paragraphs A, G, I, J, K, M, N, N.3 as to Patient H,
27. Paragraphs A, G, I, J, K, M as to Patient I.

#### **TWENTY- EIGHTH 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:

28. Paragraphs A, A.1, B, C, D, D.1, D.2, D.3, E through J, J.1, J.2, J.3, K, L, M, N, N.1, N.2, N.3, O and P.

#### **TWENTY- NINTH 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:

29. Paragraphs A, A.1, B, C, D, D.1, D.2, D.3, E through J, J.1, J.2, J.3, K, L, M, N, N.1, N.2, N.3, O and P.

**THIRTIETH 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:

30. Paragraphs A, A.1, B, C, D, D.1, D.2, D.3, E through J, J.1, J.2, J.3, K, L, M, N, N.1, N.2, N.3, O and P.

**THIRTIETH THROUGH THIRTY-NINTH 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:

31. Paragraphs B, C, D, D.1, E, F, H, O, P as to Patient A,
32. Paragraphs B, C, D, D.2, E, F, H, O, P as to Patient B,
33. Paragraphs B through F, H, O, P as to Patient C,
34. Paragraphs B through F, H, O, P as to Patient D,
35. Paragraphs B through F, H, O, P as to Patient E,
36. Paragraphs B, C, D, D.3, E, F, H, O, P as to Patient F,
37. Paragraphs B through F, H, O, P as to Patient G,
38. Paragraphs B through F, H, O, P as to Patient H,
39. Paragraphs B through F, H, O, P as to Patient I.

DATE:

June 24, 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.