



*New York State Board for Professional Medical Conduct*

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

September 29, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Irving Cohen, M.D.  
San Diego Transplant Center Office  
8010 Frost Street  
San Diego, CA 92123

RE: License No. 121938

Dear Dr. Cohen:

Enclosed please find Order #BPMC 97-232 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

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: Marcia E. Kaplan, Esq.

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

IN THE MATTER  
OF  
IRVING COHEN, D.O.

CONSENT  
ORDER

BPMC #97-232

Upon the proposed agreement of IRVING COHEN, D.O. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: Sept. 22, 1997

*Patrick F. Carone, M.D.*  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
IRVING COHEN, D.O.

CONSENT  
AGREEMENT  
AND  
ORDER

STATE OF CALIFORNIA )  
COUNTY OF ) ss.:

IRVING COHEN, D.O., being duly sworn, deposes and says:

That on or about September 16, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 121938 by the New York State Education Department.

My current address is 3621 Buena Vista Street, San Diego, CA 92134, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First and Second Specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

That a sanction of Censure and Reprimand be imposed upon me and that and that I shall be placed on probation for five years, subject to the terms set forth in Exhibit "B" which is attached.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

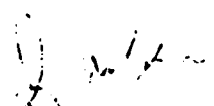
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth

herein, an order of the Chairperson of the Board shall be issued in accordance with same.

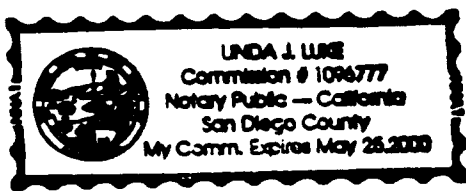
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

  
\_\_\_\_\_  
IRVING COHEN, D.O.  
RESPONDENT

Sworn to before me this

15 day of September, 1977

\_\_\_\_\_  
NOTARY PUBLIC



The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: \_\_\_\_\_

\_\_\_\_\_  
ESQ.  
Attorney for Respondent

DATE: \_\_\_\_\_

\_\_\_\_\_  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: September 15, 1997

Anne F. Saile  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

IN THE MATTER  
OF  
IRVING COHEN, D.O.

STATEMENT  
OF  
CHARGES

IRVING COHEN, D.O., the Respondent, was authorized to practice medicine in New York State on or about September 16, 1974, by the issuance of license number 121938 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about September 13, 1989, in the United States District Court for the Southern District of California, Respondent was convicted, upon a plea of guilty, of two counts of violation of Title 18, U.S.C. section 1014, Making False Statements on Loan Applications, in that on or about May 12, 1987, Respondent made false statements to the San Diego Trust and Savings Bank in an application for extension by renewal of a loan of approximately \$61,000 failing to disclose a debt of \$42,800 to Woodside Capital Corporation and a debt of \$59,000 to NATPRO Retirement Trust (first count) and that on or about June 29, 1987, Respondent made false statements to the Torrey Pines Bank of Solana Beach in an application for a loan of \$100,000, failing to disclose the same two debts listed in count 1 and a debt to San Diego Trust and Savings of \$61,000 (second count). On or about November 27, 1989, Respondent received a suspended sentence and was placed on supervised probation for five years.

B. On or about September 20, 1991, the California Board of Osteopathic Examiners (California Board) issued a Decision and Order, based upon a Stipulation and Order entered into by Respondent and the California Board, revoking Respondent's license to practice osteopathic medicine, staying the revocation, and placing him on probation for five years, which probation was terminated on September 20, 1996 and a clear license issued to Respondent. The Decision and Order resolved a disciplinary action instituted by service of an Accusation charging Respondent with conduct which, if committed in New York state, would constitute professional misconduct under N.Y. Educ. Law §6530(9)(a)(ii), in that the Accusation charged Respondent with a violation of California Code of Regulations Title 16 section 1654, being convicted of a crime which is substantially related to the qualification, functions or duties of a certified osteopath based upon the criminal conviction alleged in Paragraph A above. As part of the Stipulation and Order, Respondent admitted the truth of the allegations of the Accusation and that he thereby subjected his license to discipline.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **CRIMINAL CONVICTION (Federal)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii)(McKinney Supp. 1997) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.



**SECOND SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his license to practice medicine revoked, suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(9)(a)(ii) as alleged in the facts of the following:

2. Paragraph B.

DATED: August , 1997  
New York, New York

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**ROY NEMERSON**  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulation regarding controlled substances.
8. Respondent shall comply with all terms, conditions, restrictions, limitations:

and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.