

**NEW YORK**  
state department of  
**HEALTH**

Public

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

November 22, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Michael Eric Waldman, M.D.

REDACTED

RE: License No. 226895

Dear Dr. Waldman:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-385. This Order and any penalty provided therein goes into effect November 29, 2013.

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 2784  
Empire State Plaza  
Albany, New York 12237

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

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

cc: S. Peter Sachner, Esq.  
Sachner & O'Connor, LLC  
The Crossroads West  
765 Straights Turnpike  
Building 2, Suite 2000  
P.O. Box 1323  
Middlebury, CT 06762-1323

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IN THE MATTER  
OF  
MICHAEL ERIC WALDMAN, M.D.

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CONSENT  
ORDER

Upon the application of **MICHAEL ERIC WALDMAN, M.D.**, (Respondent), in the attached Consent Agreement, 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 or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 11/21/13

REDACTED

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Arthur S. Hengerer, M.D.  
Chair  
State Board for Professional  
Medical Conduct

**IN THE MATTER  
OF  
MICHAEL ERIC WALDMAN, M.D.**

**CONSENT  
AGREEMENT**

MICHAEL ERIC WALDMAN, M.D., represents that all of the following statements are true:

That on or about November 15, 2002, I was licensed to practice as a physician in the State of New York, and issued License No. 226895 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 (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Specifications and, in full satisfaction of the charges against me, agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

- Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of three thousand five hundred dollars (\$3,500), to be paid in full within 30 days 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 2784  
Albany, New York 12237

- Respondent shall enroll in and successfully complete a continuing education program in the area of ethics, and another program in the area of interventional radiology. These continuing education programs are subject to the Director of OPMC's prior written approval, shall be successfully identified and proposed to the Board for approval within 45 days of the effective date of the Consent Order, and shall be completed on a schedule agreed to the Director of OPMC.
- verification, on a schedule required by the Office of Professional Medical Conduct, of full compliance by the Respondent with, and completion of, the terms and stipulations of the Memorandum of Decision and associated Order issued by the Connecticut Medical Examining Board on or about April 17,

2012. Respondent shall provide a written authorization for the Connecticut Medical Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall : report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the

case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law §230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

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 by the Board or any other governmental body, 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. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.



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

11/4/13

RESPONDENT

REDACTED

MICHAEL ERIC WALDMAN, M.D.

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

DATE: 11/5/13

REDACTED

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S. PETER SACHNER, ESQ.  
Attorney for Respondent

DATE: 11/12/13

REDACTED

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DAVID W. QUIST  
Associate Attorney  
Bureau of Professional Medical Conduct

DATE: 11/20/13

REDACTED

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KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

EXHIBIT A

**IN THE MATTER**  
**OF**  
**MICHAEL ERIC WALDMAN, M.D.**  
**CO-12-05-2358A**

STATEMENT  
OF  
CHARGES

MICHAEL ERIC WALDMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 15, 2002, by the issuance of license number 226895 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 17, 2012 the Medical Examining Board for the State of Connecticut ("Board") issued a Memorandum of Decision ("Decision") finding the facts referenced above, and finding that Respondent "acted incompetently, and negligently in the practice of medicine, and that he violated the standard of care." Specifically, the Board determined that Respondent failed to meet the standard of care with regard to a single patient by failing to: (1) take a post-procedure non-contrast abdominal CT scan; (2) adequately monitor the patient; (3) admit the patient to the emergency room; (4) discuss the spleen puncture with the patient; and (5) provide adequate discharge instructions to the patient. Based on those findings, the Board ordered that Respondent be reprimanded, and that he be placed on monitored probation for a period of one year commencing on May 1, 2012, with Respondent being responsible for all costs associated with compliance. The Board required, with regard to the probation, that Respondent obtain and pay for the services of a licensed physician board-certified in radiology and approved by the Connecticut Department of Health

("Department"), to conduct a random review of 20, or 20%, of cases involving interventional radiology procedures undertaken by Respondent and to meet with Respondent at least quarterly during the probationary period. The Board further provided that the monitor would have the authority to monitor Respondent's practice by any other means the monitor deemed appropriate, with Respondent's full cooperation, and that Respondent must provide written monitor reports to the Department at least once every three months. The Decision also required that Respondent notify the Department of any cessation in Respondent's employment as a physician, obtain Department approval before resuming such employment, potentially subject to additional requirements or provision of additional documentation, and that any period during which Respondent was not so employed would toll the running of the probationary period.

B. The findings in A would constitute professional misconduct in New York pursuant to Educ. Law § 6530(4).

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or 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 (namely N.Y. Educ. Law 6530(3) and/or (4) as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

**SECOND SPECIFICATION**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license 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 or refusal, revocation or suspension of an application for a license or the surrender of 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(3) and/or (4)) as alleged in the facts of the following:

2. The facts in Paragraphs A and B.

DATE: September // , 2013  
Albany, New York

REDACTED

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Michael A. Hiser  
Deputy Counsel  
Bureau of Professional Medical Conduct