

NEW YORK
state department of
HEALTH

Public

Howard A. Zucker, M.D., J.D.
Acting Commissioner of Health

Sue Kelly
Executive Deputy Commissioner

June 26, 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bogdan Bakalov, M.D.
REDACTED

Anna Lewis, Esq.
NYS Department of Health
90 Church Street – 4th Floor
New York, New York 10007

RE: In the Matter of Bogdan Bakalov, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 14-161) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

REDACTED

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah
Enclosure

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

IN THE MATTER
OF
BOGDAN BAKALOV, M.D.

BPMC #14-161
DETERMINATION

AND

ORDER

COPY

The Department of Health issued a Notice of Hearing and Statement of Charges both dated October 22, 2013 regarding Respondent, **BOGDAN BAKALOV, M.D.** and obtained jurisdiction. **STEVEN M. LAPIDUS, M.D., Chair, ELISA BURNS, M.D., and RUTH HOROWITZ, Ph.D.,** duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law of New York ("Public Health Law"). **KIMBERLY A. O'BRIEN, ESQ.** Administrative Law Judge served as the Administrative Officer ("ALJ").

The Department of Health appeared by **JAMES E. DERING, ESQ.,** General Counsel, by **ANNA LEWIS, ESQ.,** of Counsel. **BOGDAN BAKALOV, M.D.,** Respondent ("Respondent") appeared in person and testified on his own behalf.

Evidence was received and argument heard, and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

BACKGROUND

A prehearing order was issued on November 5, 2013 and it notified the parties that a pre-hearing conference would be held on December 4, 2013, the day before the first day of hearing (ALJ Ex. 1). Pursuant to Public Health Law Section 230(10)(c)(2), the Respondent submitted a

timely answer (“answer”) to the Statement of Charges (“charges”) and “disagreed” with each of the charges (ALJ Ex. 2). The Respondent’s answer was accompanied by a letter in which he stated that he could not afford to retain counsel and he would not appear at the prehearing conference or at the hearing. Upon receiving the Respondent’s answer and letter, the ALJ’s office made numerous attempts to reach Respondent by phone so that a conference call could be arranged with the parties, but the Respondent did not return the calls (Prehearing Conference Tr. 3-5).

The prehearing conference was held as scheduled and the Department’s exhibits 1-20 were admitted with copies provided for the Hearing Committee (“Committee”). The Respondent did not appear in person or by a representative at the prehearing conference. However, on the first day of the hearing, December 5, 2013, Respondent appeared in person and requested an adjournment to provide him with an opportunity to retain counsel. While the Committee felt that the Respondent should have requested an adjournment well before the first day of the hearing, the Committee granted the adjournment to allow the Respondent time to retain counsel.

On January 16, 2014, the agreed hearing date, the Respondent appeared in person without counsel. The Department’s witness testified that in December of 1999 the Respondent voluntarily entered into a Consent Agreement (“consent agreement”) which included a five year probation period which was “tolled” when he was not practicing medicine. The Committee had a number of questions about the context of the charges in relation to the Respondent’s probation history. The Department was directed to prepare and present at the next hearing day, February 28, 2014, a timeline/history of the Respondent’s probation with supporting documentation and to provide copies to the Respondent in advance of the hearing.

PROCEDURAL HISTORY

Notice of Hearing & Statement of Charges October 10, 2013

Pre-hearing Order	November 5, 2013
Pre-hearing Conference	December 4, 2013
Hearing Dates	December 5, 2013; January 16, 2014; February 28, 2014
Witnesses for Petitioner	April Soltren, OPMC Investigator
Witnesses for Respondent	Bogdan Bakalov, M.D.
Final Hearing Transcript Received	March 18, 2014
Briefs	April 1, 2014
Deliberations	May 7, 2014

STATEMENT OF THE CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York pursuant to Section 230 et seq. of the Public Health Law of New York. This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (“Petitioner” or “Department”) pursuant to Section 230 of the Public Health Law. Pursuant to Section 6530 of Education Law of New York (“Education Law”) the Respondent is charged with ten specifications of misconduct including: fraudulent practice, moral unfitness, willfully making or filing a false report, violating a term or condition of probation, and failure to maintain a patient record [Education Law Sections 6530 (2), 6530(20), 6530(21), 6530 (29) & 6530(32); Ex.1]. The Respondent “disagrees” with all the factual allegations and ten specifications of professional misconduct set forth in the Notice of Hearing and Statement of Charges, attached hereto as Appendix 1 and made part of this Determination and Order.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Unless otherwise noted, all findings and conclusions set forth below are the unanimous

determinations of the Hearing Committee. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. Numbers and letters below in parentheses refer to exhibits (denoted by the prefix "Ex.") or transcript page numbers ("Tr."). These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. After considering the full hearing record, the Hearing Committee hereby makes the following findings of fact:

1. On or about March 11, 1983, Bogdan Bakalov, M.D., Respondent, was authorized to practice medicine in New York State by the issuance of license number 153329 (Ex. 1, Ex. 2).
2. The Respondent voluntarily entered into a Consent Agreement and Order, BPMC #99-324 ("consent agreement") with the State Board for Professional Medical Conduct ("OPMC") and agreed to be subject to a five (5) year period of probation ("probation period"), December 29, 1999 - December 28, 2004 (Ex. 2).
3. The consent agreement contains specific terms of probation including that the Respondent shall maintain malpractice insurance, the Respondent shall maintain a medical record for each patient, the Respondent's probation shall be "tolled" when he is not actively engaged in the practice of medicine, the Respondent shall notify OPMC in writing of any and all employment and practice locations, and the Respondent shall fully cooperate with OPMC in its administration and enforcement of the consent agreement and provide periodic verification of his compliance with the terms of the consent agreement (Ex. 2).
4. The Respondent completed three and one half years of his probation, which was tolled on June 1, 2003 (Tr. 58-59; Ex. 2A, Ex. 2B, Ex.25, Ex. 30, Ex.32; Ex. 34, Ex. 37).
5. In a letter dated September 3, 2003, the Respondent notified Cheryl Ratner, OPMC's Physician Monitoring Unit, that he is not practicing medicine because he has "been unable to

arrange for current malpractice insurance” and he understands his “probation will be held in abeyance” (Ex. 32).

6. In a letter dated April 28, 2004, the Respondent notified Cheryl Ratner, OPMC’s Physician Monitoring Unit, that “I am not now engaged in the practice of medicine because I am unable to get malpractice insurance” (Ex. 34).

7. On or about June 27, 2005, Respondent submitted a signed Compliance Declaration/Practice Status Update (“Compliance Declaration”) stating that during the period January 1, 2005 – June 30, 2005 he had “*no malpractice insurance yet ! .. I remain as managing office.*” (Ex. 37).

8. On or about December 28, 2006, the Respondent submitted a signed Compliance Declaration to OPMC confirming that during the period June 1, 2005 – December 31, 2006 he was not practicing medicine and his probation period was “*Tolled until return to clinical practice*” (Tr. 30-32; Ex. 2B).

9. On or about January 10, 2011, the Respondent submitted a signed Compliance Declaration to OPMC confirming that during the period January 1, 2010 – December 21, 2010 “*I have not engaged in the active practice of medicine in New York State...*” (Tr. 30-32; Ex. 2A).

10. During the period from on or about September 7, 2006 – July 18, 2011 the Respondent did not have malpractice insurance, treated and issued prescriptions for patients A-N, did not maintain a record for patients A-N, and did not notify OPMC of his employment and practice locations (Tr. 28 -29, 33 – 50, 164, 189-190, 203; Ex. 2A – Ex. 20, Ex. 24, Ex. 37, Ex. 40).

DISCUSSION & CONCLUSIONS

The Hearing Committee’s conclusions were unanimous and based on the entirety of the record. This case involves the Respondent’s compliance or lack thereof with a Consent Order he voluntarily entered into with OPMC in 1999. Specifically, the Department contends that the

Respondent completed three and one half years of a five year probation period. During the period 2006-2012 when the Respondent's probation was "tolled," he was allegedly actively engaged in the practice of medicine and was uninsured. The Department also alleges that the Respondent knowingly and repeatedly violated the terms of the consent agreement in that he intentionally misrepresented his practice status and did not notify OPMC about when and where he was employed as a physician, and wrote prescriptions for patients A-N and did not maintain medical records for each of these patients.

The Department presented one witness April Soltren, Investigator/ Case Manager ("Investigator") for OPMC's Physician Monitoring Unit. The Respondent's case was "assigned" to the Investigator in 2010 after another staff member, Cheryl Ratner, retired. The Investigator provided credible testimony about the Respondent's probation file and her contact with the Respondent. The Investigator testified that the Respondent's alleged probation violations arose from a "routine" Bureau of Narcotics Enforcement ("BNE") check performed in 2012. The BNE check revealed that the Respondent had renewed his DEA registration in July of 2007 and July 2010, and on or about September 7, 2006 – July 18, 2011 he had written prescriptions for patients A-N during a period when the Respondent's probation was "tolled." The follow-up investigation revealed that insurance claims were submitted for the care he provided to patients A-N. The Respondent's probation file included letters and Compliance Declarations sent to OPMC from Respondent where he states that from on or about June 1, 2003 onward he has not had malpractice insurance, he has not been actively engaged in the practice of medicine, and he understands his probation is tolled when he is not practicing medicine.

The Respondent did not retain counsel and testified on his own behalf. Throughout the proceeding the Respondent expressed frustration with the fact that he could not afford to retain

counsel and after almost fifteen years he is still being held to the terms of the 1999 consent agreement. The Respondent believes that OPMC "cancelled his privileges" and since in or about June 2003 he has been unable to practice medicine because he cannot get insurance coverage (Tr. 54; Ex. 2A at p.3). While the Respondent admitted that he issued prescriptions to patients A-N and did not deny that insurance companies were billed for the care he provided to these patients, he denied that he was practicing medicine (Tr. 190 -191). The Respondent was quick to add that writing prescriptions for patients A-N was "office work," he was not performing surgery so he was not practicing medicine, and he did not have treatment records for patients A-N because they were not "his" patients (Tr. 186-194, 203).

The charges all relate to the Respondent's alleged willful non-compliance with the terms of a voluntary consent agreement he entered into in December of 1999. Given the nature of the charges and the breadth of the probation period, the Committee believes that the Department should have presented a probation history/timeline with supporting documentation at the outset of the hearing, and the Committee should not have had to request this information from the Department in the midst of the hearing. Once the Department produced and presented the requested information to the Committee, it became readily apparent to them that the Respondent clearly understood that he continued to be subject to the terms of the consent agreement including that his probation was "tolled" when he was not engaged in the practice of medicine and that he could not practice medicine without insurance (Ex. 24-47). The Committee found Respondent's testimony about why he "believed" that he was not practicing medicine disingenuous and in direct contradiction with the record. While the Respondent bemoaned the fact that his probation period has extended over more than fourteen years, the Committee ultimately concluded that the Respondent himself was responsible for extending

his probation and that the extended probation did not justify his actions or mitigate the charges.

The Respondent's own correspondence and Compliance Declarations, and prescriptions he wrote for patients A-N and the insurance claims submitted for the services he provided to these patients, combined with the Respondent's own testimony constitute indisputable evidence that he is guilty of the charges. Based on the foregoing, the Committee determined that the Respondent knowingly and repeatedly violated the terms of his consent agreement in that the Respondent intended to deceive OPMC when he repeatedly and falsely reported to OPMC that he was not actively engaged in the practice of medicine, the Respondent practiced medicine without insurance, the Respondent failed to maintain a medical record for patients A-N, the Respondent intentionally failed to notify OPMC about his employment and practice locations, and the Respondent's actions in this case evidence moral unfitness. Accordingly, the Committee sustained all ten specifications of misconduct and the related factual allegations.

DETERMINATION AS TO PENALTY

The Respondent is guilty of ten specifications of misconduct including that he willfully and repeatedly violated the terms of his voluntary consent agreement. Accordingly, the Committee has determined pursuant to the Findings of Fact and Conclusions set forth above and after due consideration of the full spectrum of penalties available pursuant to the law to revoke the Respondent's medical license.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. Factual Allegations A through F and Specifications One through Ten as set forth in the Statement of Charges (Ex.1) are **SUSTAINED**;

2. The Respondent's license to practice medicine in New York State is hereby
REVOKED.

3. This **ORDER** shall be effective upon service on the Respondent pursuant to
Public Health Law Section 230(10)(h).

DATED: June 25, New York, 2014

BY: REDACTED
STEVEN M. LAPIDUS, M.D., Chair
ELISA BURNS M.D.
RUTH HOROWITZ, Ph. D.

To: Bogdan Bakalov, M.D.
REDACTED

Anna Lewis, Esq.
NYSDOH - Bureau of Professional Medical Conduct
90 Church Street
New York, New York 10007

APPENDIX 1

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

IN THE MATTER
OF
BOGDAN BAKALOV, M.D.

NOTICE
OF
HEARING

TO: Bogdan Bakalov, M.D.
REDACTED

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on December 5, 2013 at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4th Floor, New York, NY 10007, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

EXHIBIT

[Handwritten signature]

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the

deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE 10/22/2012

NY, NY

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
Anna R. Lewis
Associate Counsel
Bureau of Professional Medical Conduct
212 417-4369

IN THE MATTER
OF
BOGDAN BAKALOV, M.D.

STATEMENT
OF
CHARGES

BOGDAN BAKALOV, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 11, 1983, by the issuance of license number 153329 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent is currently subject to disciplinary BPMC Order # 99-324, which was issued by the State Board for Professional Medical Conduct, effective 12/29/99. (This Consent Order is attached as Appendix "B".)
- B. Probation term #2 imposed pursuant to disciplinary BPMC Order #99-324 required that "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 to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, 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." Respondent violated this term of probation by knowingly failing to provide written notification of his employment and practice when he issued prescriptions for Patents A through N (Patients

A through N are identified in Appendix A) during the period from on or about September 7, 2006 through on or about July 18, 2011.

C. Probation term #3, imposed pursuant to disciplinary BPMC Order # 99-324 required that "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 violated this term of probation when he knowingly attested to his compliance on the compliance declaration document dated 01/10/11 in which he stated he had not been engaged in the active practice of medicine during the period of 01/01/10-12/21/10 when in fact he had been engaged in the practice of medicine during that period of time.

1. Respondent did so with intent to deceive.

D. Probation term #3, imposed pursuant to disciplinary BPMC Order # 99-324 required that "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 violated this term of probation when he knowingly attested to his compliance on the compliance declaration document dated 12/28/06 in which he stated he had not been engaged in the practice of medicine during the period of 6/01/05-12/31/06 when in fact he had been engaged in the practice of medicine during that period of time.

1. Respondent did so with intent to deceive.

E. Probation term #6, imposed pursuant to disciplinary BPMC Order # 99-324 required that "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 regulations regarding controlled substances." Respondent violated this term of probation in that he knowingly failed to maintain medical records for Patients A through N (Patients A through N are identified in

Appendix A) for prescriptions he issued to them during the period from on or about September 7, 2006 through on or about July 18, 2011.

1. Respondent did so with intent to deceive.

F. From on or about September 7, 2006 through on or about July 18, 2011, Respondent issued prescriptions to Patients A through N (Patients A through N are identified in Appendix A), and failed to adequately document the care and treatment he rendered to these patients with respect to the medications that he prescribed for them and/or the services that he rendered to them.

SPECIFICATION OF CHARGES

FIRST THROUGH FOURTH SPECIFICATIONS

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

1. Paragraphs A and B.
2. Paragraphs A and C.
3. Paragraphs A and D.
4. Paragraphs A and E.

FIFTH 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 evaluation and treatment of the patient, as alleged in the facts of:

5. Paragraph F.

SIXTH AND SEVENTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully 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:

6. Paragraphs A. and C.
7. Paragraphs A. and D.

EIGHTH AND NINTH SPECIFICATIONS

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:

8. Paragraphs A. and C. and C.1.
9. Paragraphs A. and D. and D.1.

TENTH 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:

10. Paragraphs A through F and their subparagraphs.

DATE: October 22, 2013
New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct