



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

Paula Wilson  
Executive Deputy Commissioner

July 15, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Stephen Dell, M.D.  
19 Bagdad Road  
Durham, New Hampshire 03824

Anthony Z. Scher, Esq.  
Wood & Scher  
The Harwood Building  
14 Harwood Court  
Scarsdale, New York 10583

W. Wright Dannenbarger, Esq.  
Wiggen & Nourie, P.A.  
20 Market Street  
Manchester, New Hampshire 03105

Roy Nemerson, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

**RE: In the Matter of Stephen Dell, M.D.**

Dear Dr. Dell, Mr. Dannenbarger, Mr. Scher and Mr. Nemerson:

Enclosed please find the Determination and Order (No. BPMC-93-99) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 than 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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

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.

Very truly yours,

*Tyrone T. Butler, nam*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nam  
Enclosure

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

-----X  
IN THE MATTER : HEARING  
OF : COMMITTEE'S  
STEPHEN DELL, M.D. : DETERMINATION  
: AND ORDER  
: NO. BPMC-93- 99  
-----X

A Notice of Hearing dated September 15, 1992 and Statement of Charges dated September 16, 1992 were served upon the Respondent, Stephen Dell, M.D. An amended Statement of Charges, dated December 28, 1992 was also served upon the Respondent. **KENNETH KOWALD, CHAIRPERSON, RAFAEL A. LANTIQUA, M.D.** and **GEORGE HYAMS, M.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. **Benjamin J. Migliore**, Administrative Law Judge, served as the Hearing Officer. A hearing was conducted on January 6, 1993 which was continued on March 10, 1993 at 5 Penn Plaza, Sixth Floor, Conference Room A, New York, New York. The Department of Health appeared by Dawn Dweir, Esq., Associate Counsel and subsequently Roy Nemerson, Esq. Associate Counsel. The Respondent was represented by W. Wright Danenbarger, Esq. of Wiggen & Nourie, P.A., 20 Market Street, P.O. Box 808, Manchester, New Hampshire 03105 and Co-Counsel Anthony Z. Scher, Esq. of Wood & Scher, The Harwood Building, 14 Harwood Court, Scarsdale, New York 10583. Evidence was received and a transcript of this proceeding was made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This proceeding was brought pursuant to Public Health Law Section 230(10)(p). The Statute provides for an expedited hearing where a licensee is charged solely with a violation of N.Y. Education Law, Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law, Section 6530(9)(b) in that he was found guilty of improper professional practice or professional misconduct pursuant to a Consent Order entered in the State of New Hampshire and a finding of guilty of professional misconduct by the State of Vermont. A copy of the Notice of Referral Proceeding and the Amended Statement of Charges is attached to this Determination and Order.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. The citations represent evidence found persuasive by the Hearing Committee in arriving at

a particular finding. Conflicting evidence if any, was considered and rejected in favor of cited evidence.

1. Stephen Dell, M.D. was authorized to practice medicine in New York State on August 19, 1974 by the issuance of license number 121154 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine. (Pet. Ex. #2)

2. On or about June 6, 1990, Respondent entered into a Consent Order with the New Hampshire Board of Registration in Medicine, after disciplinary action was instituted, wherein he was found guilty of improper professional practice or professional misconduct pursuant to various statutes within that State. (Pet. Ex. #4)

3. The State of New Hampshire Consent Order signed by the Respondent concluded that Respondent admitted to various misrepresentations including:

- a. misrepresentations on his application for a license to practice medicine;
- b. misrepresentations on his application for appointment to the medical staff of Frisbie Memorial Hospital;
- c. misrepresentations that he possessed academic degrees;
- d. misrepresenting that he was assisted in performing surgical procedures at Wentworth-Douglas Hospital; and

- e. misrepresentations upon medical records and to a patient concerning a reherniation of a disc at L4-5. (Pet. Ex. #4)

4. The New Hampshire Board of Registration in Medicine reprimanded the Respondent and ordered that:

- a. Respondent complete a program in medical ethics within two (2) years;
- b. Respondent must inform his surgical patient that he had performed surgery on the wrong disc space and correct the patient's records to reflect the location of the first surgery and the correct location of the second surgery;
- c. Respondent inform Frisbie Memorial Hospital of his false representations; and
- d. Respondent must cease and desist from claiming to have graduate scholarly degrees which were never awarded to him. (Pet. Ex. #4)

5. On or about January 30, 1992 following a hearing in the State of Vermont before the Board of Medical Practice, the Respondent was found guilty of professional misconduct, specifically:

- a. misrepresenting on his application for a medical license in Vermont that he held various scholarly graduate degrees which in fact were never awarded;
- b. misrepresenting to the public that he held

various graduate scholarly degrees when in fact he did not possess such degrees;

- c. misrepresenting in medical records that he was assisted in performing certain surgical procedures;
- f. failure to disclose to a surgical patient that he had performed surgery on the wrong disc level and falsely stating on the medical records that subsequent surgery was due to a reherniation of the same disc. Patient was charged for both operations.
- g. failure to disclose his surgical mistakes to patients in three cases;
- h. Respondent was found guilty of misconduct pursuant to a Consent Order entered in New Hampshire in June 1990; and
- i. Respondent was issued a reprimand and ordered to take certain corrective measures regarding his misrepresentations. (Pet. Ex. #6)

6. The Vermont Board of Medical Practice reprimanded the Respondent and ordered that his application to reinstate his expired Vermont medical license would be considered only upon Respondent demonstrating that he holds an active, unencumbered license to practice medicine in New Hampshire. (Pet. Ex. #6)



### CONCLUSIONS OF LAW

The following conclusions were made pursuant to Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee unanimously concluded that the Department of Health had met its burden of proof. The preponderance of the evidence clearly demonstrated that Respondent's professional misconduct in New Hampshire resulting in the New Hampshire Board of Registration in Medicine issuing its Consent Order, constituted professional misconduct under N.Y. Education Law Section 6530(9)(b). Accordingly, the Committee has sustained the First Specification.

In the Second Specification, Respondent is charged with professional misconduct within the meaning of N.Y. Education Law Section 6530(9)(b) in that he was found guilty of improper professional practice or professional misconduct by the State of Vermont Board of Medical Practice. The Hearing Committee unanimously concluded that the Department of Health had met its burden of proof and the preponderance of evidence clearly demonstrated that the State of Vermont Board of Medical Practice found Respondent guilty of professional misconduct under the laws of the State of Vermont. In view of the finding of guilty of professional misconduct in the State of Vermont, the Hearing Committee sustained the Second Specification of misconduct contained in the amended Statement of Charges.

### DETERMINATION AS TO PENALTY

The Hearing Committee pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's medical license should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute including revocation, suspension and/or probation, censure and reprimand and the imposition of monetary penalties.

The major facts underlying both Specifications in the Amended Statement of Charges were undisputed. The Hearing Committee found nothing which came before the Committee, either documentary or testimonial, showing that these events which occurred in New Hampshire did not happen. The Committee in its deliberations had no doubt that if Respondent had been practicing medicine in New York and he committed the enumerated acts of fraud, misrepresentation, deception, and duplicity, his license would have been revoked as well. The Committee found that the Respondent was not sincere in his testimony. He still believes, after all his acts of duplicity and fraud that he does not "have any real problems." (Tr. pg. 189) Nor does he consider any of his misconduct acts germane to the practice of medicine. (Tr. pg. 190)

The Hearing Committee in reviewing the Respondent's testimony concluded that Respondent's misconduct acts in New Hampshire were wilful; he knew what he was doing when he falsified medical records, deceptively advertised his graduate degrees,

misled his patients concerning surgical procedures, deceptively procured his medical license in Vermont and misrepresented the use of surgical assistants in surgery. Such conduct was determined to be wilful and reprehensible.

In reaching its conclusion, the Hearing Committee is mindful of the Respondent's missionary service in Africa and the Philippines (Tr. pg. 137) However, such circumstances do not mitigate the gravity of the dishonesty of the Respondent. The multiple acts of dishonesty cumulatively amount to egregious conduct. The Committee finds that Respondent's conduct constitutes a series of acts which deviate from acceptable standards of medical practice. Hence, both Specifications are sustained.

The Hearing Committee determined that both New Hampshire and Vermont have denied the Respondent the right to practice medicine in their respective states. If his license is restored in those states, New York will be justified in conducting a review to determine whether a license should be granted. Until such time, the Respondent's license in New York is hereby revoked.

#### ORDER

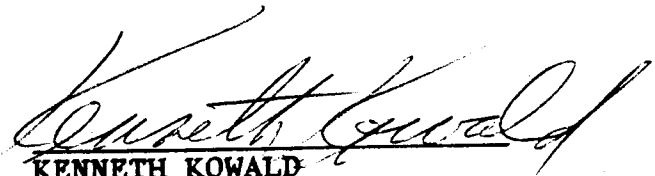
Based upon the foregoing, it is hereby Ordered that:

1. The First and Second Specification of professional misconduct contained in the Amended Statement of Charges (Pet. Ex. #2) are sustained; and

2. Respondent's license to practice medicine in New York State is revoked.

DATED: RICHMOND HILL, NEW YORK

JUNE 28, 1993

  
KENNETH KOWALD  
Chairperson

GEORGE HYAMS, M.D.  
RAPHAEL A. LANTIQUA, M.D.

TO: Stephen Dell, M.D.  
19 Bagdad Road  
Durham, New Hampshire 03824

W. Wright Danenbarger, Esq.  
Wiggen & Nourie, P.A.  
20 Market Street  
P.O. Box 808  
Manchester, New Hampshire 03105

Anthony Z. Scher, Esq.  
Wood & Scher  
The Harwood Building  
14 Harwood Court  
Scarsdale, New York 10583

Roy Nemerson, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

A P P E N D I X I

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

-----X  
: IN THE MATTER : NOTICE OF  
: OF : REFERRAL  
: STEPHEN DELL, M.D. : PROCEEDING  
: :  
-----X

TO: STEPHEN DELL, M.D.  
19 Bagdad Road  
Durham, New Hampshire 03824

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1992, as amended by ch 37, Laws of 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22nd day of October, 1992 at 10 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

PLAINTIFF'S  
DEFENDANT'S  
COMPANY'S

EXHIBIT 1

DEPARTMENT'S  
PETITIONER'S for identification  
RESPONDENT'S evidence  
FILED 1/6/93  
SECRETARY  
STENOGRAPHIC REPORTING SERVICE, INC.

NM

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to Larry Storch, Administrative Law Judge, New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, as well as the Department of Health attorney indicated below, on or before October 12, 1992 .

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with Judge Storch at the address indicated above on or before October 12, 1992 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Judge Storch at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE  
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,



YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: New York, New York  
*September 15,* 1992



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Dawn A. Dweir  
Associate Counsel  
212 613-2615

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
STEPHEN DELL, M.D. : CHARGES  
-----X

STEPHEN DELL, M.D., the Respondent, was authorized to practice medicine in New York State on August 19, 1974 by the issuance of license number 121154 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 at 19 Bagdad Road, Durham, New Hampshire 03824.

1st SPECIFICATION

Respondent is charged with professional misconduct within the meaning of <sup>NH</sup> Educ. Law Section 6530(9)(b) (McKinney Supp. 1992) in that, on June 6, 1990, disciplinary action was taken against Respondent pursuant to a Consent Order, after a disciplinary action was instituted by the State of New Hampshire Board of Registration in Medicine, a duly authorized professional disciplinary agency of another state, wherein the conduct upon which the Consent Order was based would, if

committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

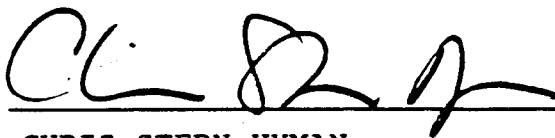
Respondent was subject to discipline of the State of New Hampshire Board of Registration in Medicine, pursuant to RSA 329:17(vi)(d) and (g), in that: a) On his application for a license to practice medicine in the State of New Hampshire and on his application for appointment to the medical staff of Frisbie Memorial Hospital in the State of New Hampshire, Respondent knowingly falsely represented that he possessed academic degrees which in fact he did not; b) Respondent knowingly made false statements that he was assisted in performing surgical procedures upon eleven (11) patients; c) Respondent stated to a patient and entered upon said patient's medical records, that that patient had suffered a reherniation of a disc at L4-5, then knowing that such statement was false.

Said conduct, if committed in New York State would constitute a violation of NY Educ Law Sec. 6530(2) (McKinney Supp. 1992) (practicing the profession fraudulently) and/or NY Educ Law Sec. 6530(1) (McKinney Supp. 1992) (obtaining the license fraudulently) and/or NY Educ Law Sec. 6530(20) (McKinney Supp. 1992) (conduct in the practice of medicine which evidences

moral unfitness to practice medicine) and/or NY Educ Law Sec. 6530(21) (McKinney Supp. 1992) (willfully making or filing a false report) and/or NY Educ Law Sec 6530(32) (McKinney Supp. 1992) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

The New Hampshire Board of Registration in Medicine reprimanded Respondent and ordered that Respondent successfully complete a program of medical ethics within 2 years; that Respondent inform his surgical patient that he performed surgery on the wrong disc space and correct the patient's records to accurately reflect the location of the first surgery and the correct location of the second surgery; that Respondent inform Frisbie Memorial Hospital of the false representations in his application; and that Respondent cease and desist from claiming to have been awarded a Ph.D. degree, a Bachelor of Philosophy degree or a bachelors degree in Mathematics.

DATED: Albany, New York  
*September 16, 1992*



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct

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

-----X

IN THE MATTER : AMENDED  
OF : STATEMENT OF  
STEPHEN DELL, M.D. : CHARGES

-----X

STEPHEN DELL, M.D., the Respondent, was authorized to practice medicine in New York State on August 19, 1974 by the issuance of license number 121154 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 at 19 Bagdad Road, Durham, New Hampshire 03824.

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of Educ. Law Section 6530(9)(b) (McKinney Supp. 1992) in that, on or about June 6, 1990, Respondent was found guilty of improper professional practice or professional misconduct pursuant to a Consent Order, after a disciplinary action was instituted by the State of New Hampshire Board of Registration in Medicine, a duly authorized professional disciplinary agency of another state, wherein the findings of improper practice or

PLAINTIFF'S  
DEFENDANT'S  
COMPANY'S  
DEPARTMENT'S  
PETITIONER'S  
RESPONDENT'S  
DATE 1/6/93 REPORTER NM  
STERLING REPORTING SERVICE, INC.

EXHIBIT 2  
for identification  
evidence

professional misconduct upon which the Consent Order was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

Respondent was found guilty of improper professional practice or professional misconduct by the State of New Hampshire Board of Registration in Medicine, pursuant to RSA 329:17(vi)(d) and (g), in that:

- a) On his application for a license to practice medicine in the State of New Hampshire and on his application for appointment to the medical staff of Frisbie Memorial Hospital in the State of New Hampshire, Respondent knowingly falsely represented that he possessed academic degrees which in fact he did not;
- b) Respondent knowingly made false statements that he was assisted in performing surgical procedures upon eleven (11) patients;
- c) Respondent stated to a patient and entered upon said patient's medical records, that that patient had suffered a reherniation of a disc

at L4-5, when knowing that such statement was false.

Said conduct, if committed in New York State would constitute a violation of N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1992) (practicing the profession fraudulently) and/or N.Y. Educ. Law Sec. 6530(1) (McKinney Supp. 1992) (obtaining the license fraudulently) and/or N.Y. Educ. Law Sec. 6530(20) (McKinney Supp. 1992) (conduct in the practice of medicine which evidences moral unfitness to practice medicine) and/or N.Y. Educ. Law Sec. 6530(21) (McKinney Supp. 1992) (willfully making or filing a false report) and/or N.Y. Educ. Law Sec. 6530(32) (McKinney Supp. 1992) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

The New Hampshire Board of Registration in Medicine reprimanded Respondent and ordered that Respondent successfully complete a program of medical ethics within 2 years; that Respondent inform his surgical patient that he had performed surgery on the wrong disc space and correct the patient's records to accurately reflect the location of the first surgery and the correct location of the second surgery; that Respondent inform Frisbie Memorial Hospital of the false representations in his application; and that Respondent cease and desist from claiming

to have been awarded a Ph.D. degree, a Bachelor of Philosophy degree or a Bachelors degree in mathematics.

**SECOND SPECIFICATION**

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ Law Sec. 6530(9)(b) (McKinney Supp. 1992) in that, on or about January 30, 1992 following a hearing Respondent was found guilty of improper professional practice or professional misconduct by the State of Vermont Board of Medical Practice, a duly authorized professional disciplinary agency of another state, wherein the findings of improper professional practice or professional misconduct upon which the disciplinary action was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

Respondent was found guilty of improper professional practice or professional misconduct by the State of Vermont Board of Medical Practice pursuant to 3 V.S.A. Section 129(a) (6) (discipline by a licensing agency in another jurisdiction for an offense which would constitute unprofessional conduct in Vermont) 25 V.S.A. Section 1354(1) (fraudulent or deceptive procuring or use of a license) and 26



V.S.A. Section 1354(8) (willfully making and filing false reports in the licensee's practice as a physician, in that):

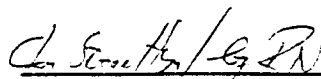
- a) By application dated September 14, 1984, Respondent applied for a medical license from the Vermont Board of Medical Practice. He falsely stated on the application in the section headed "Premedical Education" that he held a "B" (meaning B. Phil) degree from Oxford university and a Ph.D. degree from Princeton University.
- b) Between 1982 and 1989, Respondent held himself out to the public as possessing a Ph.D. degree. His stationery and a sign at his Dover, New Hampshire office, indicated that he held a Ph.D. degree as well as a medical degree.
- c) In August and September, 1983, Respondent stated in medical records that he was assisted in performing surgical procedures upon 11 patients at Wentworth-Douglass Hospital, Dover New Hampshire, when in fact, he knew that his statements were false.

- d) In early 1984, Respondent failed to disclose to a patient at Wentworth-Douglass Hospital that Respondent had operated on the wrong disc level in the patient's spine. Respondent corrected the mistake in subsequent surgery but falsely stated in the medical records that the subsequent surgery was due to a reherniation of the same disc. The patient was charged for both operations.
  
- e) Respondent operated on the wrong disc level 4 times in his medical career. In 3 cases, Respondent failed to disclose his mistakes to the patients.
  
- f) In a Consent Order dated June 6, 1990, the New Hampshire Board of Registration in Medicine reprimanded Respondent for listing and presenting false pre-medical education credentials, for falsely listing surgical assistants, and for falsely stating to a patient and entering in his medical records that reherniation of a disc had occurred. (See First Specification above).

Said conduct, if committed in New York State, would constitute a violation of N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1992) (practicing the profession fraudulently) and/or N.Y. Educ. Law Sec. 6530(1) (McKinney Supp. 1992) (obtaining the license fraudulently) and/or N.Y. Educ. Law Sec. 6530(20) (McKinney Supp. 1992) (conduct in the practice of medicine which evidences moral unfitness to practice medicine) and/or N.Y. Educ. Law Sec. 6530(21) (McKinney Supp. 1992) (willfully making or filing a false report) and/or N.Y. Educ. Law Sec. 6530(32) (McKinney Supp. 1992) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

The State of Vermont Board of Medical Practice reprimanded Respondent and ordered that application to reinstate his expired Vermont medical license would be considered only upon Respondent's demonstrating to the Board's satisfaction that he holds an active, unencumbered license to practice medicine, issued by the New Hampshire Board of Registration in Medicine.

DATED: New York, New York  
Dec 23, 1992



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct