



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 28, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Frederick Velt, M.D.


Ian H. Silverman, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

RE: In the Matter of Frederick Velt, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 16-266) 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 (l), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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.

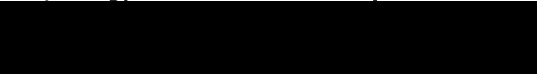
The notice of review served on the Administrative Review Board should be forwarded to:

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,



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**

X

**IN THE MATTER
OF
FREDERICK VEIT, M.D.**

**DETERMINATION
AND
ORDER**

X

BPMC #16-266

COPY

A hearing was held on July 13, 2016, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding Hearing and a Statement of Charges, both dated May 25, 2016, were served upon the Respondent, **Frederick Veit, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Steven I. Sherman, D.O., M.S., Chair, Diane M. Sixsmith, M.D, M.P.H., and Dennis P. Zimmerman, M.S., CRC,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.,** Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **Richard J. Zahnleuter, Esq., General Counsel, by Ian H. Silverman, Esq., of Counsel.** The Respondent, **Frederick Veit, M.D. ,** did not appear, although duly served. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530 (9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an 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, the Respondent is charged with professional misconduct pursuant to Education Law § 6530 (9)(b) – by having been found guilty of improper practice or professional misconduct by a duly authorized 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.

Respondent is also charged with committing professional misconduct as defined in N.Y Educ. Law § 6530(9)(d) - by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his 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. Copies of the Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex."

These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Frederick Veit, M.D., the Respondent, did not appear at the hearing and was served and notified of the hearing by substituted service on June 2, 2016. (Petitioner's Exhibit 2)**
2. **Frederick Veit, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 24, 1980, by the issuance of license number 144218 by the New York State Education Department. (Petitioner's Ex. 3)**
3. **On or about March 6, 2015 the State Board of Medical Examiners for South Carolina ("South Carolina Board") reprimanded and indefinitely suspended the**

Respondent's medical license. (Petitioner's Ex. 4)

4. The South Carolina Board found that Respondent had an inappropriate sexual relationship with a former patient for four years and prescribed medications (Neurontin, Lunesta and Replax) to her without maintaining a medical record. In 2012, after ending the relationship with this patient, the Respondent began an inappropriate sexual relationship with another patient who was a patient of Respondent's partner and the mother of one of Respondent's patients. (Petitioner's Ex. 4)

5. Respondent's conduct as described above, upon which the finding of unprofessional conduct in South Carolina was based would, if committed In New York State, constitute professional misconduct under the laws of the State of New York as follows:

- a) New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion**
- b) New York Education Law § 6530 (20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine**
- c) New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient) and/or**
- d) New York Education Law §8530(44) (in the practice of psychiatry, any physical contact of a sexual nature between licensee and patient)**

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

"Respondent violated New York Education 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..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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"

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Due Diligence and Substituted Service of the Notice of the Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for jurisdiction in the service of process, that jurisdiction had been

established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence.

On review of the entire matter, it appears that there is no dispute about the fact of the underlying conviction. The record shows that the State Board of Medical Examiners for South Carolina reprimanded and indefinitely suspended the Respondent's medical license.

The record shows that the Respondent had an inappropriate sexual relationship with a former patient for four years and prescribed medications (Neurontin, Lunesta and Replax) to her without maintaining a medical record. In 2012 after ending the relationship with this patient, the Respondent began an inappropriate sexual relationship with another patient who was a patient of his partner and the mother of one of Respondent's patients. The panel agreed with the indefinite suspension imposed by South Carolina and ruled, unanimously, that a similar penalty should be imposed here in New York. The panel determined, unanimously, that the Respondent must complete these requirements and fully satisfy the South Carolina Medical Board and be fully reinstated by that State before New York will consider lifting this indefinite suspension. After considering all the options available, the panel was unanimous in sustaining the charges and agreed, again unanimously, on this indefinite suspension.

The panel concluded that the people of New York would be protected by a suspension of his license in New York until the South Carolina Order. Is lifted and he is returned to full practice in that State. If and when the South Carolina suspension is satisfied and all its restrictions are removed, the Respondent may then petition for a lifting of this New York suspension upon a showing that he is fit and competent to resume practice in New York.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. The Respondent's license to practice medicine in the State of New York is **SUSPENDED** until such time as the conditions imposed on his license by the State of South Carolina are satisfied and removed.
3. Upon the removal of the terms and conditions on his South Carolina license, the Respondent may petition the New York State Board for the removal of this indefinite suspension from his license.
4. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10) (h).

DATED: Woodmere, New York
July 27, 2016

Steven I. Sherman, D.O., M.S., Chair,

Diane M. Sixsmith, M.D, M.P.H.
Dennis P. Zimmerman, M.S., CRC,

To:

Frederick Veit, M.D.



**Ian H. Silverman, Esq.
Attorney for Petitioner
Assistant Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Coming Tower, Room 2512
Empire State Plaza
Albany, New York 12237**

APPENDIX I

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

IN THE MATTER
OF
FREDERICK VEIT, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: Frederick Veit, M.D.
[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on July 13, 2016, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.¹

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.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. 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 the New York State

¹ For GPS purposes, enter "Menands", not "Alb



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 (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above. Should the parties have objection to proposed witnesses or documentary evidence, the party raising the objection shall contact the Bureau of Adjudication to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not later 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. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated 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.

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

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, 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.

**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.**

DATED: Albany, New York
May 25, 2016


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

**Ian Silverman
Assistant Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282**

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

**IN THE MATTER
OF
FREDERICK VEIT, M.D.**

**STATEMENT
OF
CHARGES**

Frederick Veit, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 24, 1980 by the issuance of license number 144218 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 6, 2016 The State Board of Medical Examiners for South Carolina ("South Carolina Board") reprimanded and indefinitely suspended the Respondent's medical license. The South Carolina Board found that Respondent had an inappropriate sexual relationship with a former patient (Patient A) for four years and prescribed medications (Neurontin, Lunesta and Replax) to her without maintaining a medical record. In 2012 after ending the relationship with Patient A, the Respondent began an inappropriate sexual relationship with Patient B who was a patient of his partner and the mother of one of Respondent's patients.
- B. Respondent's conduct as described above, upon which the finding of unprofessional conduct in South Carolina was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion;
2. New York Education Law § 6530 (20) (conduct in the practice of medicine which evidences moral unfitness to practice medicine;
3. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient) and/or
4. New York Education Law §6530(44) (In the practice of psychiatry, any physical contact of a sexual nature between licensee and patient)

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), (20), (32), and/or (44)) 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), (20), (32), and/or (44)) as alleged in the facts of the following:

2. The facts in Paragraphs A and B.

DATE: May 25, 2018
Albany, New York



Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct