



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

December 6, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sylvia P. Finkelstein
NYS Department of Health
5 Penn Plaza – 6th Floor
New York, New York 10001

Stuart Copperman, M.D.
3137 Hewlett Avenue
Merrick, New York 11566

T. Lawrence Tabak, Esq. &
Wendy A. Stimpfl, Esq.
Kern Augustine Conroy & Schoppmann, P.C.
420 Lakeville Road
Lake Success, New York 11042

RE: In the Matter of Stuart Copperman, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-340) 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T' and 'B'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

-----X
IN THE MATTER : HEARING COMMITTEE
OF : DETERMINATION
STUART COPPERMAN, M.D. : AND ORDER
-----X

BPMC #00-340

Stephen A. Gettinger, M.D., Chairperson, Sheldon H. Putterman, M.D. and Ms. Eugenia Herbst, duly designated members of the State Board of Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230 (1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Sections 230 (10) (e) and 230 (12) of the Public Health Law. Stephen Bermas, Esq., Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

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

SUMMARY OF THE PROCEEDINGS

Notice of Hearing dated:	July 6, 2000
Statement of Charges dated:	July 6, 2000
Hearing Dates:	August 15, September 18, 19, 26 and October 11, 2000
Deliberation Date:	November 8, 2000
Place of Hearing:	NYS Department of Health 5 Penn Plaza New York, New York
Petitioner Appeared By:	Sylvia Porter Finkelstein, Esq. Associate counsel Bureau of Professional Medical Conduct NYS Department of Health
Respondent Appeared By:	Kern Augustine Conroy & Schoppmann, P.C. By T. Lawrence Tabak, Esq. and Wendy A. Stimpfl, Esq.

STATEMENT OF CHARGES

The Statement of Charges has been marked as Petitioner's Exhibit 1 and attached hereto as Appendix A.

FINDINGS OF FACT

Numbers in parentheses refer to transcript page numbers or exhibits. These 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. All Findings are unanimous.

BACKGROUND

1. STUART COPPERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 22, 1961 by the issuance of license number 086495 by the New York State Education Department. (Ex. 2).
2. At all times herein mentioned, Respondent was a board certified pediatrician with offices located at 3137 Hewlett Avenue, South Merrick, New York 11566, where he has maintained a private practice specializing in pediatrics for the past 35 years. (T.344).
3. It is appropriate practice for a pediatrician to perform routine annual physicals on patients. (T.708).

4. An examination of the external genitalia is an appropriate part of a routine annual physical by a pediatrician. (T.699).
5. An examination of the external genitalia includes separating the labia with the examiner's fingers and visually inspecting the vaginal opening, hymen, clitoris and the urinary tract opening. (T.366, 375, 700, 713).
6. Rubbing the female genitalia during a physical examination is always inappropriate, whether or not gloves are used. (T. 277-8, 285).

PATIENT A

7. Patient A is a female born October 28, 1968. Dr. Copperman was Patient A's physician from on or about July 26, 1977 through on or about October 14, 1986. (Ex. 3, T. 117).
8. During the course of his treatment of Patient A, Dr. Copperman performed routine annual physicals, including an examination of the external genitalia. (Ex. 3).
9. From in or about 1977 when Patient A was 8 years old until in or about 1982, her visits to Respondent's office were uneventful. (T. 117-118). In or about 1982, when Patient A was 14 years old, in the course of a routine annual physical examination, Respondent told Patient A that it was important to keep her genital area clean and that he was going to clean it for her. (T. 118-119, 123-124, 127). Respondent told Patient A to accompany him to a different office so that she might be spared some embarrassment in front of her mother. (T. 118-119). No nurse was present and Patient A was asked to disrobe. While Patient A was laying on her back on the examination table, with her

knees bent, Respondent told Patient A to let her knees relax (T. 119). Respondent spread Patient A's knees apart and using his bare fingers touched and rubbed her genital area for a few minutes. (T. 120, 122).

10. On one or more occasions, from 1982 when Patient A was 14 years old, to 1986, when Patient A was 17 years old, in the course of performing routine physical examinations, Respondent told Patient A that her genital area needed to be cleaned and he touched and rubbed her genital area with ungloved hands. (T. 123-124, 127-128, 147). During this period of time, Patient A asked her parents several times to change doctors. (T.149-150).
11. On each of these occasions, although Patient A felt embarrassed and humiliated by Respondent's touching (T.123), she felt uncomfortable discussing these events with anyone or telling her parents. (T.145-147).
12. The medical record maintained by Respondent for Patient A does not accurately reflect the actual events that occurred during these visits. (Ex. 3, T.407-413, 443-444, 449-450).

PATIENT B

13. Patient B is a female born September 22, 1968. Dr. Copperman was Patient B's physician from on or about October 5, 1968, through on or about February 20, 1989. (Ex. 4, T. 19-20).
14. On or about April 18, 1989, when Patient B was 20 years old, in the course of performing a routine camp physical examination. Dr. Copperman may have put his stethoscope underneath Patient B's brassiere and may have touched or moved her breast to listen to her heart. (T.415-416).

15. Dr. Copperman never inappropriately put his hand underneath her brassiere or cupped Patient B's breast. (T.416-417).
16. During the April 18, 1989 examination, Respondent touched and rubbed Patient B's vaginal area and clitoris with ungloved hands. (T. 23-29, 47-49).
17. Upon arriving home after the April 18, 1989 visit, Patient B was crying and told her mother she would never go back to Respondent's office (T.32). That evening, Patient B told her sister that she thought Respondent had touched her in way that was wrong, but did not tell her the details. (T.79, 97-98).
18. The medical record maintained by Respondent for Patient B does not accurately reflect the actual events that occurred during this visit. (Ex. 4, p. 1, T.421, 423-431, 443-444, 449-450).

PATIENT C

19. Patient C is a female born September 6, 1964. Dr. Copperman was Patient C's physician from on or about April 22, 1968, through on or about December 24, 1990. (Ex.5, T. 57-8).
20. During a routine examination on or about August 12, 1980, Dr. Copperman performed a heart and lung examination and an examination of the external genitalia on Patient C. (Ex. 5. P. 13, T.438-439).
21. During the heart and lung examination, Dr. Copperman may have put his stethoscope underneath Patient C's brassiere and may have touched or moved Patient C's breast to listen to her heart. (T. 416-417).

22. A breast may be touched or moved during an appropriate examination of the heart and lungs. (T. 724-725, 742-744, 791-792).
23. In or about 1980, when Patient C was approximately 16 years old, in the course of purportedly performing a routine annual physical examination, Respondent told Patient C that he needed to clean her genital area. Respondent rubbed and touched Patient C's vaginal area and clitoris with ungloved hands and Patient C felt what she later realized was an orgasm. (T. 58-61, 84).
24. The medical record maintained by Respondent for Patient C does not accurately reflect the actual events that occurred during this visit. (Ex. 5, T. 436-438, 440-441, 442-444, 449-450).

PATIENT E

25. Patient E is a female born February 21, 1966. Dr. Copperman was Patient E's physician from on or about June 26, 1972, through on or about May 20, 1986. (Ex. 7, T. 193, 207).
26. On or about April 28, 1981, Patient E presented to Dr. Copperman's office for a follow-up to a previous office visit on April 11, 1981, where Patient E was diagnosed with a urinary tract infection and vaginitis and for which Mycolog cream was prescribed. (Ex. 7, p. 4, T. 459).
27. During the April 28, 1981 visit, Dr. Copperman obtained a urine analysis and inspected her genital area. (T. 459).
28. During the April 28, 1981 visit, Respondent told Patient E that he had to clean out a yeast infection. Respondent rubbed and scraped Patient E's genital area with his index finger without wearing gloves. (T. 197-198, 220-223).

29. Commencing in or about 1976 when Patient E was 10 years old, Patient E told her mother on more than one occasion that she did not want to go back to Respondent's office. (T. 194, 217).
30. The medical record maintained by Respondent for Patient E does not accurately reflect the actual events that occurred during these visits. (Ex. 7, T. 462).

PATIENT F

31. Patient F is a female born July 6, 1962. Dr. Copperman was Patient F's physician from on or about January 10, 1970, through on or about May 18, 1984. (Ex. 8, T. 230-1).
32. On or about November 29, 1980, Patient F presented to Dr. Copperman's office with complaints of mid-epigastric pain and urinary symptoms. (Ex. 8, p. 4, T. 474).
33. During the November 29, 1980 visit, Dr. Copperman obtained a urine analysis and inspected Patient F's genital area. (T. 474, 476).
34. During the November 29, 1980 visit, Patient F was asked to disrobe from the waist down and lie down on the examination table with her legs spread. Respondent told Patient F that she needed a cleaning. Respondent touched and rubbed Patient F's genital area with ungloved hands until she had what she later realized was an orgasm. (T. 232-239, 251).
35. The medical record maintained by Respondent for Patient F does not accurately reflect the actual events that occurred during this visit. (Ex. 8, T. 477-479, 481, 483, 485-486, 488-489).

PATIENT G

36. Patient G is a female born September 4, 1960. Dr. Copperman was Patient G's physician from on or about January 30, 1970, through on or about December 27, 1982. (Ex. 9, T. 154, 156).
37. During the course of his treatment of Patient G, Dr. Copperman performed routine annual physicals, including an examination of the external genitalia. (Ex. 9).
38. In or about the summer of 1978, when Patient G was 17 years old, she went to Respondent's office to undergo a pre-college physical examination and have a form filled out which was required for college (T. 157-158). In the course of performing a routine physical examination, Respondent told Patient G that she had a blockage in her genital area and that he had to clean it out. Patient G had no urinary symptoms nor menstrual complaints (T. 183). Respondent touched and rubbed Patient G's genital area with ungloved hands. During this touching Patient G became sexually aroused. (T. 158-162, 178).
39. The medical record maintained by Respondent for Patient G does not accurately reflect the actual events that occurred during this visit. (Ex. 9, T. 496-499).

CONCLUSIONS OF LAW

FIRST: Respondent is found to have engaged in professional misconduct by reason of wilfully harassing, abusing or intimidating a patient either physically or verbally within the meaning of N.Y. Education Law Section 6530 (31) (McKinney Supp. 2000) as alleged in the **FIRST, SECOND, THIRD, FIFTH, SIXTH and SEVENTH** Specifications of the Statement of Charges, and as set forth in Findings of Fact 7 through 39, *supra*.

SECOND: Respondent is found to have engaged in professional misconduct by reason of engaging in conduct in the practice of medicine that evidences moral unfitness to practice within the meaning of N.Y. Education Law Section 6530 (20) (McKinney Supp. 2000) as alleged in the EIGHTH, NINTH, TENTH, TWELFTH, THIRTEENTH and FOURTEENTH Specifications of the Statement of Charges, and as set forth in Findings of Fact 7 through 39, supra.

THIRD: Respondent is not found to have engaged in professional misconduct by reason of practicing the profession of medicine with gross negligence within the meaning of N.Y. Education Law Section 6530 (4) (McKinney Supp. 2000) as alleged in the FIFTEENTH, SIXTEENTH, SEVENTEENTH, NINETEENTH, TWENTIETH and TWENTY-FIRST Specifications of the Statement of Charges.

FOURTH: Respondent is not found to have engaged in professional misconduct by reason of practicing the profession of medicine with negligence on more than one occasion within the meaning of N.Y. Education Law Section 6530 (3) (McKinney Supp. 2000) as alleged in the TWENTY-SECOND Specification of the Statement of Charges.

FIFTH: Respondent is found to have engaged in professional misconduct by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient within the meaning of N.Y. Education Law Section 6530 (32) (McKinney Supp. 2000) as alleged in the TWENTY-THIRD, TWENTY-FOURTH, TWENTY-FIFTH, TWENTY-SEVENTH, TWENTY-EIGHTH and TWENTY-NINTH Specifications of the Statement of Charges, and as set forth in Findings of Fact 18, 24, 30, 35, and 39 supra.

DISCUSSION

It should be noted that Paragraphs C 2, D and D 1 of the Statement of Charges were withdrawn by Petitioner with Respondent's consent. Accordingly, Specifications FOURTH, ELEVENTH, EIGHTEENTH AND TWENTY-SIXTH were deemed to be withdrawn.

In addition, Paragraph G of the Statement of Charges was amended to change "1892" to "1978".

The Hearing Committee found Patients A, B, C, E, F and G to be credible witnesses. Their delay in coming forth to report the pertinent facts is understandable. It is predictable behavior for young women in light of their embarrassment, their inexperience with proper gynecological examinations, their lack of trust in their own responses and their respect for the authority figure of their pediatrician.

Although some of these Patients referred to pelvic examinations, we believe that pelvic examinations as defined by the medical profession were never performed by Respondent on these Patients. The Patients incorrectly used the term pelvic examinations because they did not understand its definition.

We found Respondent not to be a credible witness with respect to his examinations of Patients A, B, C, E, F and G.

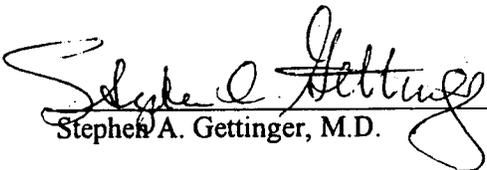
We do not find Dr. Berk's testimony concerning the Respondent's medical records for these Patients to be significant because he was not aware of the testimony of these Patients and could not tell that the records did not reflect what actually happened during the so-called examinations. We rely instead upon our reading of the Respondent's medical records which are in evidence and note that these records do not accurately record what we are convinced took place during the office visits of these Patients.

We fully considered all available sanctions other than the one we hereby impose but determined that revocation was necessary because of the egregiousness of Respondent's conduct and his continued denial of any inappropriate behavior. His inability or unwillingness to recognize what transpired with these Patients precludes him from taking any remedial action. Only revocation of his license to practice medicine will ensure protection for the public.

ORDER

The Hearing Committee determines and orders that Respondent's license to practice medicine be revoked.

Dated New York, NY
1 December, 2000


Stephen A. Gettner, M.D.

Sheldon H. Putterman, M.D.
Ms. Eugenia Herbst

APPENDIX I

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

FILE	<i>Petitioner</i>	<i>1</i>	<i>In Good</i>
DATE	<i>7-26-00</i>		
ACCUSOR			

IN THE MATTER
OF
STUART COPPERMAN, M.D.

NOTICE
OF
HEARING

TO: Stuart Copperman, M.D.
3137 Hewlett Avenue
Merrick, New York 11566

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 2000) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 2000). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on July 28, 2000, at 10:00 a.m., at the Offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York, 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. 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 and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

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, Hedley Park Place,

433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. TYRONE BUTLER, 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 (McKinney Supp. 2000) 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 (McKinney Supp. 2000). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
July 6, 2000

Roy Nemerson/spf

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Silvia P. Finkelstein
Associate Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2615

SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

Licensee's Name _____ Date of Proceeding _____

Name of person to be admitted _____

Status of person to be admitted _____
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

Signature (of licensee or licensee's attorney) _____

This written notice must be sent to either:

New York State Health Department
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor South
Troy, NY 12180
Fax: 518-402-0751

New York State Health Department
Bureau of Professional Medical Conduct
5 Penn Plaza
New York, NY 10001
✓ Fax: 212-268-6774

**IN THE MATTER
OF
STUART COPPERMAN, M.D.**

**STATEMENT
OF
CHARGES**

STUART COPPERMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 22, 1961, by the issuance of license number 086495 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. At all times herein mentioned, Respondent was a pediatrician with offices located at 3137 Hewlett Avenue, South Merrick, New York 11566. Respondent treated Patient A, a female born on October 28, 1968, from on or about July 26, 1977 through on or about October 14, 1986.
1. Between in or about 1982, when Patient A was 14 years old and in or about 1986, when Patient A was 17 years old, on several occasions, in the course of purportedly performing routine physical examinations, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient A's genital area with ungloved hands.
- B. Respondent treated Patient B, a female born on September 22, 1968, from on or about October 5, 1968 through on or about February 20, 1989.

1. On or about April 18, 1989, when Patient B was 20 years old, in the course of performing a physical examination, but not for a legitimate medical purpose, Respondent put his hand under Patient B's brassiere and cupped her breast while purportedly listening to her chest with a stethoscope.
2. On or about April 18, 1989, when Patient B was 20 years old, in the course of performing a routine physical examination, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient B's genital area with ungloved hands.

C. Respondent treated Patient C, a female born on September 6, 1964, from on or about April 22, 1968 through on or about December 24, 1990.

1. In or about 1980, when Patient C was approximately 16 years old, in the course of purportedly performing a routine physical examination, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient C's genital area with ungloved hands.
2. During a subsequent visit, in the course of purportedly performing a routine physical examination, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient C's genital area with ungloved hands.
3. On several occasions, when Patient C was an adolescent, Respondent placed his hand on her left breast and cupped it while listening to her chest with a stethoscope.

WITHDRAWN
BY PETITIONER
WITH RESPONDENT'S
CONSENT
8/15/00
A.L.J.

*Cheryl
to Johnson
DLS
ALS
9/14/00*

D. Respondent treated Patient D, a female born on September 23, 1968, from on or about December 5, 1972 through on or about February 23, 1984.

1. In or about 1981, when Patient D was approximately 14 years old, Patient D presented at Respondent's office complaining of vaginal itching and burning. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient D's genital area with ungloved hands.

E. Respondent treated Patient E, a female born on February 21, 1966, from on or about June 26, 1972, through on or about May 20, 1986.

1. On or about April 28, 1981, when Patient E was 15 years old, she presented at Respondent's office complaining of a yeast infection. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent rubbed and touched Patient E's genital area with ungloved hands.

2. From in or about 1976, when Patient E was 10 years old, Respondent inappropriately performed a pelvic examination every time Patient E visited his office.

F. Respondent treated Patient F, a female born on July 6, 1962, from on or about January 10, 1970 through on or about May 18, 1984.

1. On or about November 29, 1980, when Patient F was 18 years old, Patient F presented at Respondent's office with complaints of mid-epigastric pain. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent rubbed Patient F's genital area with his ungloved fingers and until she had an orgasm.

G. Respondent treated Patient G, a female born on September 4, 1960, from on or about January 30, 1970 through on or about December 27, 1992.

1. In or about July or August, 1978, when Patient G was 17 years old, she went to Respondent's office to undergo a physical examination and to have a form filled out which was required for college. In the course of purportedly performing a routine physical examination, but not for a legitimate medical purpose, Respondent inappropriately touched and rubbed Patient G's genital area ungloved hands.

Corrected
9/11/02
S. DeLeon
H.L.D.

SPECIFICATION OF CHARGES

FIRST THROUGH SEVENTH SPECIFICATIONS

WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT EITHER PHYSICALLY OR VERBALLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 2000) by willfully harassing, abusing or intimidating a patient either physically or verbally, as alleged in the facts of:

1. Paragraphs A and A.1
2. Paragraphs B, B.1 and B.2.
3. Paragraphs C, C.1, C.2 and C.3
4. Paragraphs D and D.1
5. Paragraphs E, E.1 and E.2
6. Paragraphs F and F.1
7. Paragraphs G and G.1.

EIGHTH THROUGH FOURTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2000) 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:

8. Paragraphs A and A.1.
9. Paragraphs B, B.1 and B.2.
10. Paragraphs C, C.1, C.2 and C.3.
- 11. Paragraphs D and D.1.
12. Paragraphs E, E.1 and E.2.
13. Paragraphs F and F.1.
14. Paragraphs G and G.1.

FIFTEENTH THROUGH TWENTY-FIRST SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 2000) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

15. Paragraphs A and A.1
16. Paragraphs B, B.1 and B.2.
17. Paragraphs C, C.1, C.2 and C.3.
- 18. Paragraphs D and D.1.
19. Paragraphs E, E.1 and E.2.
20. Paragraphs F and F.1.
21. Paragraphs G and G.1.

TWENTY-SECOND SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2000) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

22. Paragraphs A, A.1, B, B.1, B.2, C, C.1, C.2, C.3, D, D.1, E, E.1, E.2, F, F.1, G and G.1.

TWENTY-THIRD THROUGH TWENTY-NINTH SPECIFICATIONS
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 2000) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

23. Paragraph A.1
24. Paragraph B.1 and B.2.
25. Paragraph C.1, C.2 and C.3.
- 26. Paragraph D.1.
27. Paragraphs E.1 and E.2.
28. Paragraphs F.1.
29. Paragraph G.1.

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Roy Nemerson / SF

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct