



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

July 23, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Larry Robert Rosenthal, M.D.

Redacted Address

Jeffrey Conklin, Esq.

NYS Department of Health

ESP-Corning Tower-Room 2509

Albany, New York 12237

RE: In the Matter of Larry Robert Rosenthal, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-129) 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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

COPY

IN THE MATTER
OF
LARRY ROBERT ROSENTHAL, M.D.

DETERMINATION

AND

ORDER

BPMC #08-129

A Notice of Hearing and Statement of Charges was served on Larry Robert Rosenthal, M.D., on June 2, 2008, and a hearing was held pursuant to N.Y. Public Health Law §230 and New York State Admin. Proc. Act §§ 301-307 and 401 on June 30, 2008 at the Offices of the New York State Department of Health, 433 River Street, Troy, New York ("the Petitioner"). **Denise M. Bolan, RPA-C.**, Chairperson, **Lyon M. Greenberg, M.D.**, and **John B. Waldman, M.D.**, 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 **Thomas Conway, Esq.**, General Counsel, by **Jeffrey Conklin, Esq.**, of Counsel. The Respondent 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 THE CASE

This case was brought pursuant to Public Health Law § 230 and New York State Admin. Proc. Act §§ 301-307 and 401. In this case the respondent is charged with a

violation of Education Law §6530(9) based in part upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York.

In the instant case, the Respondent is charged with professional misconduct on five specified charges. The first charge is pursuant to Education Law §6530(28) in that he failed to respond to written communications from the New York State Department of Health on numerous occasions. The second charge is that the respondent was found guilty of misconduct in another State and is thus charged under Education Law §6530 (9)((b) in that he was 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. The third specified charge in the instant case is that the Respondent was also in violation of 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 resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Fourth specified charge in the instant case is that the Respondent failed to file a report required under Education Law §6530 (21) and the Fifth specified charge is the Respondent's failure to comply with an order pursuant to Public Health Law § 230 (10)a.

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: Randy W. Irwin. Investigator
For the Respondent: No appearance

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 transcript page numbers or exhibits, denoted by the prefixes "T." or "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. **Unless otherwise specified.**

1. On or *about* the 8th day of April, 2004, the Board of Medicine for the State of Virginia, hereinafter referred to as "Virginia Board", issued an Order, hereinafter referred to as "Virginia Order", pursuant to Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia, which, among other things, fined Respondent \$1,000 for the failure to comply with the Virginia Board's General Regulations' "Practitioner Profile System," in that said Respondent failed to provide, upon request, the information required by Sections 54.1-2910-1, of the Code and Part VII of the Virginia Board's General Regulations.
2. Between March 26, 2001, and January 8, 2003, six letters were sent to Dr. Rosenthal's official address of record with the Virginia Board, notifying said Respondent of the need to provide the requested information.
3. To date, Respondent has not responded to the communications from the Virginia Board.

4. On or about the 28th day of April, 2005, the New York State Board of Professional Medical Conduct, hereinafter referred to as "New York Board", issued a Determination and Order BPMC #05-86, hereinafter referred to as "New York Order", which unanimously found the Respondent guilty of professional misconduct, pursuant to New York Education Law Section 6530(9)(b) and (d). The resultant penalties included a Censure and Reprimand against the New York State medical license of the Respondent and a fine in the amount of \$1,000, which was due within 60 days of the effective date of said New York Order. The action by the New York Board was based upon the aforesaid Virginia Order.
5. On or about April 29th, 2005, a copy of the New York Order, together with a letter of enclosure from Sean O'Brien, Director, Bureau of Adjudication, were served upon the Respondent via Certified Mail, Return Receipt Requested, at the New York registration address the Respondent provided to the State Education Department.
6. From the date the Respondent initially advised the State Education Department of his New York registration address to the present, said Respondent has not provided notification of a new address.
7. Although Respondent no longer resides at the New York registration address, said Respondent has failed to notify the State Education Department of his new address(es).
8. On or about July 8, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, from Nathan Reed, M.D., Medical Director, Physician Monitoring Programs, Office of Professional Medical Conduct, herein after "OPMC",

requesting that said Respondent comply with the terms of the subject New York Order. Said letter was sent to Respondent's last known address.

9. On or about July 28, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Joann V. Dawson, Director, Physician Monitoring Programs, OPMC, requesting that said Respondent comply with the terms of the subject New York Order. Said letter was sent to Respondent's last known address.

10. On or about September 14, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Joann V. Dawson requesting that said Respondent comply with the terms of the subject New York Order. The correspondence was forwarded to Respondent at various last known business and residential addresses.

11. To date, Dr. Rosenthal has failed to pay the aforesaid fine or otherwise respond to the correspondence forwarded to him by OPMC.

12. On or about May 25, 2006, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Randy W. Irwin, Senior Medical Conduct Investigator, Physician Monitoring Programs, OPMC, advising that OPMC had initiated an investigation by reason of said Respondent's failure to pay the fine or otherwise communicate with OPMC.

13. On or about October 16, 2006, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Jeffrey J. Conklin, Associate Counsel, Bureau of Professional Medical Conduct, advising that OPMC, with the concurrence of an Investigative Committee of the State Board for Professional Medical Conduct, had determined that said Respondent

was to be charged with professional misconduct. Said letter was forwarded to Respondent at various last known business and residential addresses.

14. To date, Respondent has not responded to the communication from Mr. Conklin.

15. On or about the 9th day of August, 2006, the State of Florida Board of Medicine, hereinafter referred to as "Florida Board", issued a Final Order, dated August 4, 2006, pursuant to Sections 120.569 and 120.57(4) of Florida Statutes, which, among other things, indefinitely suspended Respondent's license to practice medicine in Florida until said Respondent provide adequate evidence that he is capable of practicing with reasonable skills and safety, including but not limited to, an evaluation by the Florida Board approved impaired practitioners' treatment provider. Further, Respondent's license was to be indefinitely suspended until such time as said Respondent provided the Florida Board with evidence of Respondent's good standing in any and all jurisdictions in which Respondent was licensed to practice.

16. To date, the indefinite suspension of Respondent's license to practice medicine in Florida has not been lifted.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

(FAILING TO RESPOND WITHIN THIRTY DAYS TO WRITTEN COMMUNICATIONS)

Respondent is charged with professional misconduct under New York Education Law Section 6530(28) by failing to respond to written communications from the New York State Department of Health in that the Respondent failed to respond to repeated requests for information about his practice both in Virginia and New York.

VOTE: Sustained (3-0)

SECOND SPECIFICATION

(GUILTY OF MISCONDUCT IN ANOTHER STATE)

Respondent is charged with professional misconduct under New York Education Law Section 6530(9)(b) in that Petitioner charges that the Florida Board issued a Final Order, dated August 4, 2006, pursuant to Sections 120.569 and 120.57(4) of Florida Statutes, which, among other things, indefinitely suspended Respondent's license to practice medicine, due to substance abuse and that this suspension is still in effect

VOTE: Sustained (3-0)

THIRD SPECIFICATION

(LICENSE TO PRACTICE MEDICINE SUSPENDED IN ANOTHER STATE)

Respondent is charged with professional misconduct under New York Education Law Section 6530(9)(d) in that Petitioner charges that the Florida Board issued a Final Order, dated August 4, 2006, pursuant to Sections 120.569 and 120.57(4) of Florida Statutes, which, among other things, indefinitely suspended Respondent's license to practice medicine, due to substance abuse and that this suspension is still in effect.

VOTE: Sustained (3-0)

FOURTH SPECIFICATION

(FAILING TO FILE A REPORT)

Respondent is charged with professional misconduct under New York Education Law Section 6530(21) in that Petitioner charges the Respondent failed to respond to the Virginia Order in that said Respondent failed to provide, upon repeated requests, the information required by Sections 54.1-291 0-1, of the Code and Part VII of the Virginia Board's General Regulations.

VOTE: Sustained (3-0)

FIFTH SPECIFICATION

(FAILURE TO COMPLY WITH AN ORDER ISSUED PURSUANT TO PUBLIC HEALTH
LAW §230(10(a))

Respondent is charged with professional misconduct under New York Education Law, Section 230(10)(a) in that Petitioner charges that, in 2005, the New York State Board of Professional Medical Conduct, hereinafter referred to as "New York Board", issued a Determination and Order BPMC #05-86, hereinafter referred to as "New York Order", which unanimously found the Respondent guilty of professional misconduct, pursuant to New York Education Law Section 6530(9)(b) and (d) and that the resultant penalties included a Censure and Reprimand against the New York State medical license of the Respondent and a fine in the amount of \$1,000 which fine the Respondent has yet to pay.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case shows that the Respondent, was authorized to practice medicine in New York State on July 30, 1984, by the issuance of license number 159559 by the New York State Education Department and that he was also a licensed Medical Doctor in the State of Florida holding a Florida medical license.

The Respondent did not appear at the hearing either in person or by counsel. The Administrative Law Judge ruled that Petitioner's Ex. 2 A (an Affidavit of Non-Service for the Notice of Hearing and the Statement of Charges) and Exhibits 2 B and 2 C (Copies of document packets sent to the Respondent at 5 putative addresses in Florida) constitute due diligence in the attempt at personal service. These letters were sent by Certified Mail – Return Receipt Requested and they contained the Notice of Hearing and the Statement of Charges. It is noted that these letters were returned as undeliverable as the Respondent had moved and left no forwarding address. The testimony at the hearing (T. p. 48) established that the Department had used the registration address on file in New York. This is the official address of record and the one that the department was required to use in its attempt at personal service.

The record goes on to show that the Department has far exceeded jurisdictional requirements in this case and has, in these several attempts, established due diligence in service and that, therefore, the hearing could proceed on the merits notwithstanding the absence of the Respondent. At the hearing, the Department Attorney detailed the series of accusations against the Respondent, showing that, for years, the Respondent had ignored the Agencies of several States in regard to his medical license. Any one of these accusations would, in the opinion of the panel, have been sufficient to have his license revoked. As it stands, the cumulative case against the Respondent from three States and

for almost five years of continued neglect of his duties made the decision of the panel unanimous that his license should be revoked. In its discussion, the panel reviewed the entire record, which shows that the Respondent has flouted the regulations of three States, starting with Virginia in 2004. In April of 2004, the Commonwealth of Virginia fined the Respondent \$1,000 for his repeated failure to provide requested information on his practice. (T. 22).

The record goes on to show that, following the Virginia action, the New York board heard the matter and censured the Respondent and imposed another fine of \$1,000. (T. 30). The testimony at the present hearing further established that the Respondent never paid the New York fine and simply ignored the Order and refused to discuss the matter with New York investigators. (T. 31.) Several notices were sent to the Respondent following the 2005 New York Order and he never responded to the repeated inquiries of the New York PMC investigator who testified at this hearing. (T. 32). It was noted that the investigator went above and beyond legal requirements in attempting to notify the Respondent of his responsibility under the 2005 New York Order. Internet searches through Google and Lexis Nexis (T. 33) were performed and various addresses were obtained and Certified Mail was sent out – all to no avail.

The third State that took action against the Respondent was Florida and the record shows that Florida (T. 39) suspended the Respondent's license in 2006 and that it is still suspended for substance abuse and the record clearly establishes the Florida suspension. (T. 55). The panel noted that the Respondent has failed to keep New York apprised of his address since 1984. The attempts at personal service in this case show that an attempt was made at the Respondent's most recent Florida address and the building manager at this address told the process server that he no longer lived there and that he had left no forwarding address. (T. 56)

Finally, the panel took into consideration the fact that the Respondent has flouted his responsibilities in three jurisdictions (T. 60) and that, since 1984, he has failed to keep the various medical boards apprised of his actual address, and the panel found an explanation for this failure in the fact of his current suspension in Florida was for substance abuse. Also noted was the fact of his repeated failure to comply with the last New York Order and the panel found no appropriate penalty other than a New York revocation and this finding was unanimous.

ORDER

IT IS HEREBY ORDERED THAT:

1. The license of the Respondent to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Newcomb, New York
July 18, 2008

Redacted Signature

Denise M. Bolan, RPA-C.
Chairperson

Lyon M. Greenberg, M.D.
John B. Waldman, M.D.

APPENDIX I

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

IN THE MATTER
OF
LARRY ROBERT ROSENTHAL, M.D.

NOTICE
OF
HEARING

TO: LARRY ROBERT ROSENTHAL, M.D.

Redacted Address
873 Ackerman Avenue
York 13210

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 June 30, 2008, at 10:00 a.m., at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, 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. SEAN D. O'BRIEN, 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.

DATED: Troy, New York
May 30, 2008

Redacted Signature

Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Jeffrey J. Conklin
Associate Counsel
Bureau of Professional Medical Conduct
2517 Corning Tower
Empire State Plaza
Albany, New York 12237
(518) 473-4219

IN THE MATTER
OF
LARRY ROBERT ROSENTHAL, M.D.

STATEMENT
OF
CHARGES

LARRY ROBERT ROSENTHAL, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 30, 1984, by the issuance of license number 159559. The Respondent is not currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about the 8th day of April, 2004, the Board of Medicine for the State of Virginia, hereinafter referred to as "Virginia Board", issued an Order, hereinafter referred to as "Virginia Order", pursuant to Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia, which, among other things, fined Respondent \$1,000 for the failure to comply with the Virginia Board's General Regulations' "Practitioner Profile System," in that said Respondent failed to provide, upon request, the information required by Sections 54.1-2910-1, of the Code and Part VII of the Virginia Board's General Regulations.
1. Between March 26, 2001, and January 8, 2003, six letters were sent to Dr. Rosenthal's official address of record with the Virginia Board, notifying said Respondent of the need to provide the requested information.
 2. To date, Respondent has not responded to the communications from the Virginia Board.

3. On or about the 28th day of April, 2005, the New York State Board of Professional Medical Conduct, hereinafter referred to as "New York Board", issued a Determination and Order BPMC #05-86, hereinafter referred to as "New York Order", which unanimously found the Respondent guilty of professional misconduct, pursuant to New York Education Law Section 6530(9)(b) and (d). The resultant penalties included a Censure and Reprimand against the New York State medical license of the Respondent and a fine in the amount of \$1,000, which was due within 60 days of the effective date of said New York Order. The action by the New York Board was based upon the aforesaid Virginia Order.
4. On or about April 29th, 2005, a copy of the New York Order, together with a letter of enclosure from Sean D. O'Brien, Director, Bureau of Adjudication, were served upon the Respondent via Certified Mail, Return Receipt Requested, at the New York registration address the Respondent provided to the State Education Department.
5. From the date the Respondent initially advised the State Education Department of his New York registration address to the present, said Respondent has not provided notification of a new address.
6. Although Respondent no longer resides at the New York registration address, said Respondent has failed to notify the State Education Department of his new address(es).

7. On or about July 8, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, from Nathan Reed, M.D., Medical Director, Physician Monitoring Programs, Office of Professional Medical Conduct, herein after "OPMC", requesting that said Respondent comply with the terms of the subject New York Order. Said letter was sent to Respondent's last known address.
8. On or about July 28, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Joann V. Dawson, Director, Physician Monitoring Programs, OPMC, requesting that said Respondent comply with the terms of the subject New York Order. Said letter was sent to Respondent's last known address.
9. On or about September 14, 2005, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Joann V. Dawson requesting that said Respondent comply with the terms of the subject New York Order. The correspondence was forwarded to Respondent at various last known business and residential addresses.
10. To date, Dr. Rosenthal has failed to pay the aforesaid fine or otherwise respond to the correspondence forwarded to him by OPMC.
11. On or about May 25, 2006, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Randy W. Irwin, Senior Medical Conduct Investigator, Physician Monitoring Programs, OPMC, advising that OPMC had initiated an investigation by reason of said Respondent's failure to pay the fine or otherwise communicate with OPMC.

12. On or about October 16, 2006, Respondent was sent a letter, via Certified Mail, Return Receipt Requested, by Jeffrey J. Conklin, Associate Counsel, Bureau of Professional Medical Conduct, advising that OPMC, with the concurrence of an Investigative Committee of the State Board for Professional Medical Conduct, had determined that said Respondent was to be charged with professional misconduct. Said letter was forwarded to Respondent at various last known business and residential addresses.
 13. To date, Respondent has not responded to the communication from Mr. Conklin.
- B. On or about the 9th day of August, 2006, the State of Florida Board of Medicine, hereinafter referred to as "Florida Board", issued a Final Order, dated August 4, 2006, pursuant to Sections 120.569 and 120.57(4) of Florida Statutes, which, among other things, indefinitely suspended Respondent's license to practice medicine in Florida until said Respondent provide adequate evidence that he is capable of practicing with reasonable skills and safety, including but not limited to, an evaluation by the Florida Board approved impaired practitioners' treatment provider. Further, Respondent's license was to be indefinitely suspended until such time as said Respondent provided the Florida Board with evidence of Respondent's good standing in any and all jurisdictions in which Respondent was licensed to practice.
1. To date, the indefinite suspension of Respondent's license to practice medicine in Florida has not been lifted.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

(FAILING TO RESPOND WITHIN THIRTY DAYS TO WRITTEN COMMUNICATIONS)

Respondent is charged with professional misconduct under New York Education Law Section 6530(28) by failing to respond to written communications from the New York State Department of Health in that Petitioner charges:

1. The facts in paragraphs A and A(1), A and A(2), A and A(3), A and A(4), A and A(5), A and A(6), A and A(7), A and A(8), A and A(9), A and A(10), A and A(11), A and A(12), and A and A(13).

SECOND SPECIFICATION

(GUILTY OF MISCONDUCT IN ANOTHER STATE)

Respondent is charged with professional misconduct under New York Education Law Section 6530(9)(b) in that Petitioner charges:

2. The facts in paragraphs B and B(1).

THIRD SPECIFICATION

(LICENSE TO PRACTICE MEDICINE SUSPENDED IN ANOTHER STATE)

Respondent is charged with professional misconduct under New York Education Law Section 6530(9)(d) in that Petitioner charges:

4. The facts in paragraphs B and B(1).

FOURTH SPECIFICATION

(FAILING TO FILE A REPORT)

Respondent is charged with professional misconduct under New York Education Law Section 6530(21) in that Petitioner charges:

5. The facts in paragraphs A and A(1), A and A(2), A and A(3), A and A(4),

A and A(5), A and A(6), A and A(7), A and A(8), A and A(9), A and A(10),
A and A(11), A and A(12), and A and A(13).

FIFTH SPECIFICATION

**(FAILURE TO COMPLY WITH AN ORDER ISSUED PURSUANT TO PUBLIC
HEALTH LAW §230(10(a))**

Respondent is charged with professional misconduct under New York
Education Law, Section 230(10)(a) in that Petitioner charges:

8. The facts in paragraphs A and A(1), A and A(2), A and A(3), A and
A(4), A and A(5), A and A(6), A and A(7), A and A(8), A and A(9), A
and A(10), A and A(11), A and A(12), and A and A(13).

DATE: May 30, 2008
Albany, New York

Redacted Signature

Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct