

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
IRWIN FELDMAN, M.D. :

ORDER AND ENTRY

On or about June 13, 2002, notice was issued to Irwin Feldman, M.D., that the State Medical Board of Ohio intended to consider disciplinary action against his license to practice medicine and surgery in the State of Ohio. The Board having subsequently been notified of Dr. Feldman's demise on or about April 9, 2002, it is hereby ORDERED that the above referenced matter be and is hereby dismissed at MOOT.

Anand G. Garg, M.D.
Anand G. Garg, M.D. *AG*
Secretary

SEAL

7/18/02
Date



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

June 12, 2002

Irwin Feldman, M.D.
23075 Farmington Road
Farmington, Michigan 48336

Dear Doctor Feldman:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) The New York State Board for Professional Medical Conduct (hereinafter the "New York Board") Consent Order dated on or about November 13, 2001, censured and reprimanded your New York License. You admitted guilt to all sixteen specifications of professional misconduct as provided in the annexed Statement of Charges. Those specifications included willfully filing false reports, filing false, inaccurate and/or misleading applications for privileges and filing false, inaccurate, and/or misleading credentials in support of applications for privileges.

A copy of the New York Board Consent Order is attached hereto and incorporated herein.

- (2) On or about January 30, 1995, the State Medical Board of Ohio (hereinafter the "Ohio Board") received your Application for Certificate to Practice Medicine or Osteopathic Medicine (hereinafter the "Application"). In reliance on the truthfulness of your above submission, the Ohio Board granted you a certificate to practice medicine and surgery in Ohio on or about March 29, 1995.
 - (a) In the Additional Information section of the above Application, you responded "No" to the question:
 2. Have you ever been warned, censured, disciplined, had admissions monitored, had privileges limited, had privileges suspended or terminated, been put on probation, or been requested to withdraw from or resign privileges at any hospital, nursing home, clinic, health maintenance organization, or other similar institution in which you have trained, been a staff member, or held privileges, for reasons other than failure to maintain records on a timely basis, or failure to attend staff or section meetings?

In fact, your temporary staff privileges in obstetrics and gynecology at Auburn Memorial Hospital, Auburn, New York, were suspended on or about April 25,

Mailed 6-13-02

1994, for a thirty (30) day period of time, as provided in more detail in the New York Board Consent Order, paragraph one (1) above.

- (b) In the Resume-Medicine or Osteopathic Medicine section of the above Application, you were required to list **ALL** activities in chronological order from the date of medical school graduation on to the date of application, including complete names and addresses of hospitals where you hold or held privileges.

You failed to list Auburn Memorial Hospital, Auburn, New York, where you held temporary staff privileges in obstetrics and gynecology from on or about December 28, 1993, through on or about May 4, 1994, as provided in more detail in the New York Board Consent Order, paragraph one (1) above.

The New York Board Consent Order, as alleged in paragraph one (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in R.C. 4731.22(B)(22).

Further, your acts, conduct, and/or omissions, as alleged in paragraph (2)(a) above, individually and/or collectively, constitute “fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,” as that clause is used in R.C. 4731.22(A), as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions, as alleged in paragraph (2)(a) above, individually and/or collectively, constitute “publishing a false, fraudulent, deceptive, or misleading statement,” as that clause is used in R.C. 4731.22(B)(5), as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions, as alleged in paragraph (2)(b) above, individually and/or collectively, constitute “fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,” as that clause is used in R.C. 4731.22(A), as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions, as alleged in paragraph (2)(b) above, individually and/or collectively, constitute “publishing a false, fraudulent, deceptive, or misleading statement,” as that clause is used in R.C. 4731.22(B)(5), as in effect prior to March 9, 1999.

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

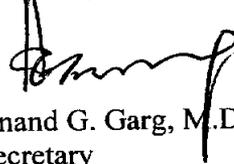
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5139 9798
RETURN RECEIPT REQUESTED

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

IN THE MATTER
OF
IRWIN FELDMAN, M.D.

CONSENT
ORDER

Upon the proposed agreement of Irwin Feldman, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so **ORDERED**, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 11/13/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
IRWIN FELDMAN, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC No. 01-271

Irwin Feldman, M.D., (Respondent) says:

That on or about June 21, 1990, I was licensed to practice as a physician in the State of New York, having been issued License No. 182342, by the New York State Education Department.

My current address is 23075 Farmington Road, Farmington, Michigan, 48336, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with sixteen specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to First through Sixteenth Specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. My license to practice medicine in the State of New York shall be subject to censure and reprimand, pursuant to § 203-a of the Public Health Law.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 10-5-01



IRWIN FELDMAN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 10-10-01


STACHA SHAPIRO, ESQ.
Attorney for Respondent

DATE: 10/25/01


JEFFREY J. CONKLIN, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 11/06/01


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
IRWIN FELDMAN, M.D. : CHARGES

-----X

IRWIN FELDMAN, M.D., Respondent, was authorized to practice medicine in New York State on June 21, 1990, by the issuance of license number 182342 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period April 1, 2001, through March 31, 2003, with a registration address of 23075 Farmington Road, Farmington, Michigan 48336.

FACTUAL ALLEGATIONS

A. On or about the 28th day of December, 1993, the Respondent was granted temporary staff privileges in obstetrics and gynecology at Auburn Memorial Hospital, Auburn, New York, said privileges to be renewed on a six week basis thereafter. On the 25th day of April, 1994, the Respondent's privileges were suspended for a 30-day period of time. On or about the 27th day of April, 1994, the Respondent appealed the suspension from staff privileges at Auburn Memorial Hospital. On or about the 4th day of May, 1994, the Respondent withdrew his appeal and rescinded his staff privileges application.

B. On or about the 17th day of November, 1994, the Respondent submitted an application for staff privileges at A. Barton Hepburn Medical Center, Troy, New York. The Respondent knowingly failed to acknowledge the 30-day suspension from staff privileges at Auburn Memorial Hospital by answering question "U.(6)" on said application in the following manner, "U.(6) Have your membership or clinical privileges at any hospital or other health care facility been denied, revoked, surrendered or not renewed?" Answer, "No". The Respondent also knowingly provided false and inaccurate credentials to A. Barton Hepburn Medical Center in support of the application for privileges in that said Respondent's curriculum vitae failed to reference the Respondent's tenure at Auburn Memorial Hospital.

C. On or about the 4th day of November, 1994, the Respondent submitted a licensing registration application to the State Education Department for the period from January 1, 1995, through March 31, 1997. The Respondent knowingly failed to acknowledge the 30-day suspension from staff privileges at Auburn Memorial Hospital by answering question "1[c]" on said application in the following manner, "1.[c] Since you last registered, have any hospital or licensed facility restricted or terminated your professional training, employment or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence or negligence?" Answer, "No".

D. On or about the 31st day of May, 1996, the Respondent submitted an application for staff privileges at Edward John Noble Hospital, Gouverneur, New York. The Respondent knowingly failed to acknowledge the 30-day suspension of staff privileges at Auburn Memorial Hospital and the related disciplinary proceedings by answering questions "V.(B), (C), and (D)" on said application in the following manner, "V.(B) Has your employment, medical staff appointment or clinical privileges ever been voluntarily or involuntarily suspended, diminished, revoked, refused, relinquished, or limited at any hospital or other health care facility?" Answer "No". (C) Have you ever withdrawn your application for appointment, reappointment and clinical privileges or resigned from the medical staff before a decision was made by a hospital's or health care facility's governing board?" Answer "No". (D) Have you ever been the subject of disciplinary proceedings or investigations at any hospital or health care facility?" Answer, "No". The Respondent also knowingly provided false and inaccurate credentials to Edward John Noble Hospital, Gouverneur, New York, in support of the application for privileges in that said Respondent's curriculum vitae failed to reference the Respondent's tenure at Auburn Memorial Hospital.

E. On or about the 27th day of January, 1997, the Respondent submitted an application for staff privileges at Crouse Hospital, Syracuse, New York. The Respondent knowingly failed to acknowledge the 30-day suspension of staff privileges by Auburn Memorial Hospital by answering question "XX.(3)" on said application in the following manner, "XX. Are you now or were

you subject to...3. limitation suspension, revocation, denial, non renewal or voluntary surrender of employment, appointment or privileges at any hospital or health care related institution?" Answer, "No". The Respondent also knowingly provided false and inaccurate credentials to Crouse Hospital in support of the application for privileges in that said Respondent's curriculum vitae failed to reference the Respondent's tenure at Auburn Memorial Hospital.

F. On or about the 25th day of November, 1997, the Respondent submitted an application for staff privileges at Ira Davenport Memorial Hospital, Bath , New York. The Respondent knowingly failed to acknowledge the 30-day suspension of staff privileges by Auburn Memorial Hospital by answering question "1" on said application in the following manner, "1. Has your employment, medical staff membership status or clinical privileges in any hospital or health care institution ever been limited, suspended, diminished, revoked, not renewed or subject to probationary conditions?" Answer, "No". The Respondent also knowingly provided false and inaccurate credentials to Ira Davenport Memorial Hospital in support of the application for privileges in said Respondent's curriculum failed to reference the Respondent's tenure at Auburn Memorial Hospital.

G. On or about the 18th day of November, 1999, the Respondent submitted an application for staff privileges to Mary McClellan Hospital, Cambridge, New York. The Respondent knowingly failed to acknowledge the 30-day suspension of staff privileges at Auburn Memorial Hospital by answering question "5" on said application in the following manner, "5. Have your

privileges at any facility ever been denied, suspended, discontinued, granted with stated limitations, or voluntarily limited or reduced?..." Answer, "No". The Respondent also knowingly provided false and inaccurate credentials to Mary McClellan Hospital in support of the application for privileges in that said Respondent's curriculum vitae failed to reference the Respondent's tenure at Auburn Memorial Hospital.

FIRST THROUGH SIXTH SPECIFICATIONS

WILLFULLY FILING FALSE REPORTS

The Respondent is charged with committing professional misconduct as defined in New York Education Law, Section 6530(21), by willfully filing false reports, in that Petitioner charges:

1. The facts set forth in paragraphs "A" and/or "B".
2. The facts set forth in paragraphs "A" and/or "C".
3. The facts set forth in paragraphs "A" and/or "D".
4. The facts set forth in paragraphs "A" and/or "E".
5. The facts set forth in paragraphs "A" and/or "F".
6. The facts set forth in paragraphs "A" and/or "G".

SEVENTH THROUGH ELEVENTH SPECIFICATIONS

FILING FALSE, INACCURATE AND/OR MISLEADING

APPLICATIONS FOR PRIVILEGES

The Respondent is charged with committing professional misconduct as defined in New York Education Law, Section 6530(14), by violating Section 2805(k) of the Public Health Law, in that Petitioner charges:

7. The facts set forth in paragraphs "A" and/or "B".
8. The facts set forth in paragraphs "A" and/or "D".
9. The facts set forth in paragraphs "A" and/or "E".
10. The facts set forth in paragraphs "A" and/or "F".
11. The facts set forth in paragraphs "A" and/or "G".

TWELFTH THROUGH SIXTEENTH SPECIFICATIONS

FILING FALSE, INACCURATE, AND/OR MISLEADING CREDENTIALS

IN SUPPORT OF APPLICATIONS FOR PRIVILEGES

The Respondent is charged with committing professional misconduct as defined in New York Education Law, Section 6530(14), by violating Section 2805(k) of the Public Health Law, in that Petitioner charges:

12. The facts set forth in paragraphs "A" and/or "B".
13. The facts set forth in paragraphs "A" and/or "C".
14. The facts set forth in paragraphs "A" and/or "D".
15. The facts set forth in paragraphs "A" and/or "E".
16. The facts set forth in paragraphs "A" and/or "F".

DATED: *October 25*, 2001
Albany, New York

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