

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

In Re: Gary Fleischman, D.P.M. Petition No. 880121-19-001
License No. 00059
26 Lafayette St.
Milford, CT 06460

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

On May 16, 1990, the Connecticut Board of Examiners in Podiatry (hereinafter referred to as the Board) convened to hear the case of Gary Fleischman, D.P.M.

A Statement of Charges dated 8/15/89 was brought by the Department of Health Services (hereinafter referred to as the Department) against Gary Fleischman, D.P.M. (hereinafter referred to as the Respondent). It alleges in one count violations of Connecticut General Statutes §20-59 and §20-45.

The Notice of Hearing dated 8/15/89, and the Statement of Charges were sent together to Mr. Fleischman and his attorney by certified mail. The Respondent did not appear at the hearing nor did his attorney. No other representative appeared on his behalf.

Each member of the Board involved in this decision was present at the hearing, and this decision is based entirely on the evidence presented at that hearing, and the specialized professional knowledge of the participating members of the Board in evaluating the evidence.

Parenthetically it should be noted that the Board has heard other cases against the Respondent and issued decisions in those cases. The decision in the last case (Petition No. 880726-19-008) revoked the license of Gary Fleischman as of 5/16/90 and was not appealed by the Respondent.

FINDINGS OF FACT:

After consideration of the entire record the findings of fact are the following:

1. Gary Fleischman was at all times referenced in the Statement of Charges (June of 1987) the holder of Connecticut Podiatry license number 00059.
2. The Respondent was provided the opportunity to attend an informal "compliance" conference. (Dept. Ex 1).
3. The Statement of Charges and Notice of Hearing were sent to the Respondent and his attorney by Certified Mail - Return Receipt Requested. (Dept. Ex. 4).

4. The hearing began and concluded on 5/16/90.
5. The Respondent was not present at the hearing and was not represented by counsel. (Tr. 5/16/90). A general denial to the charges was submitted by Mr. Fleischman in writing prior to the hearing. (Board Ex. 1).
6. In June of 1987, Gary Fleischman undertook the podiatric treatment of patient Mary Polocko (Dept. Ex. 9).
7. On June 23, 1987, Gary Fleischman operated on Ms. Polocko's right foot. (Dept. Ex. 9).
8. Gary Fleischman failed to keep accurate or adequate medical records on patient Polocko regarding medications taken, treatments and/or services rendered and post-operative complications.. (Dept. Ex. 9)
9. Gary Fleischman failed to take a complete medical history on patient Polocko as evidence by his lack of documentation of such. (Dept. Ex. 9). The Board noted that no familial history was taken, no mention of allergies was made and no documentation of the patient's neurological status was made.

10. Insufficient evidence was adduced to find that Gary Fleischman failed to render adequate post-operative treatment.

DISCUSSION AND CONCLUSIONS OF LAW:

1. Dr. Fleischman held a valid podiatric license in June of 1987.
2. The Respondent was provided with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by Connecticut General Statutes §4-182(c).
3. Notice of the hearing and the Statement of Charges were properly sent and sufficiently provided information as mandated by Connecticut General Statutes §4-177 and §4-182.
4. The hearing was held in accordance with Chapters 54, 374 and 375 of the Connecticut General Statutes and Sections 19-2a-1 through 19-2a-30 of the Public Health Code.

5. With regard to the FIRST COUNT the Board finds that Dr. Fleischman's conduct as cited in Findings of Fact 8 and 9 violated Connecticut General Statutes §20-59(4) in that each act or omission was illegal or incompetent or negligent conduct in the practice of podiatry.

ORDER

Gary Fleischman does not currently hold a podiatric license. (No appeal was filed in the case that revoked his license in May 1990). Therefore the Board makes a finding that the Respondent's license to practice podiatry has been previously revoked. The findings and conclusions of this case, petition no. 880121-19-001, shall be incorporated into the Respondent's licensure file should he apply for reinstatement.

Connecticut Board of Examiners for Podiatry

March 27, 1991

DATE



by: David J. Unger, D.P.M., Chairperson