

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Eric L. Schwartz, D.P.M.

Petition No. 930216-19-001

CONSENT ORDER

WHEREAS, Eric L. Schwartz, D.P.M., of East Meadow, New York has been issued license number P00350 to practice podiatric medicine by the Connecticut Department of Public Health and Addiction Services pursuant to Chapter 375 of the Connecticut General Statutes, as amended; and,

WHEREAS, on or about May 22, 1992, the New York State Board for Podiatry entered an Order (a certified copy of which is attached hereto marked "Exhibit A" and incorporated herein by this reference) imposing professional discipline against the New York podiatry license of Eric L. Schwartz, D.P.M. (hereinafter

"respondent") based upon respondent's admission that he engaged in improper billing. Such discipline consisted of a two (2) year suspension of his podiatric license, with the suspension stayed, and a two (2) year probationary period in which he is required to pay a \$5,000.00 civil penalty, perform 100 hours of public service within the first 18 months of the period of probation, and make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department to monitor respondent's compliance with the terms of his probation.

WHEREAS, the Connecticut State Department of Public Health and Addiction Services (hereinafter "the Department") has received a copy of said Order of the New York State Board for Podiatry, and has instituted an investigation concerning respondent based solely upon the facts admitted by respondent in the course of the New York proceeding; and,

WHEREAS, respondent hereby stipulates and agrees as follows:

1. Eric L. Schwartz, D.P.M. hereby admits the facts set forth in Exhibit A which formed the basis for New York's disciplinary action against him.
2. By his conduct as set forth in paragraph 1 above, respondent has violated the provision of §20-59(4) of the Connecticut General Statutes by failing to conform to the accepted standards of podiatric medicine; and,

3. Respondent is not presently practicing podiatric medicine in Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-59 of the General Statutes of Connecticut, Eric L. Schwartz, D.P.M. hereby stipulates and agrees to the following:

1. Respondent hereby waives his right to a hearing on the merits of this matter.
2. In the event respondent fully complies with the terms and conditions of his probation imposed by the New York disciplinary board, successfully completes his probation in that state, and obtains licensure in New York which is no longer subject to probation before beginning practice in Connecticut, his license number P00350 to practice podiatric medicine in Connecticut is hereby placed on probation for a period of six (6) months from the date he commences practicing in this State.
3. In the event respondent begins practice in Connecticut before he has fully complied with the terms and conditions of his New York probation, successfully completed that probation, and/or obtained licensure in New York which is not subject to probation, the term of his probation in Connecticut shall be six (6) months, plus the unexpired term of the New York probation as well as any unfulfilled community service requirements.
4. Respondent's Connecticut probation shall be subject to the following terms and conditions:
 - A. Respondent shall submit written notification to the Department of Public Health and Addiction Services of any change in his employment and/or home address, and of his commencement of the practice of podiatry in Connecticut within fifteen (15) days of any such change or event.

- B. If respondent practices podiatry in the State of Connecticut he shall obtain, at his own expense, the services of a supervising podiatrist licensed in Connecticut, and approved by the Department.
- C. If respondent accepts employment in Connecticut as a podiatrist, his Chief of Staff or other immediate podiatric supervisor may act as his supervising podiatrist.
- D. Respondent shall provide the supervising podiatrist referenced in paragraph 4B above and all employers with copies of this Order and of the Order of the New York licensing authority.
- E. Said supervising podiatrist shall furnish the Department with written confirmation of his or her engagement to act in that capacity, and receipt of the Orders referred to in paragraph 4D above, within thirty (30) days of respondent's commencement of practice in Connecticut.
- F. Said supervising podiatrist shall monitor respondent's billing practices by conducting a quarterly review of no less than twenty (20) of respondent's patient records, including billing records, randomly selected by the supervising podiatrist.
- G. Respondent's supervising podiatrist shall submit quarterly written reports to the Department addressing Respondent's billing practices and respondent's ability to practice podiatric medicine with reasonable skill and safety.
- H. Notwithstanding the supervising podiatrist's quarterly reporting responsibility, he or she shall immediately report any conduct or activity on respondent's part which is or may be a deviation from the standards of care for respondent's profession or which do or may indicate that respondent is unable to practice podiatry with reasonable skill and safety.

5. The period of probation provided for in this Consent Order shall become effective on the date respondent begins practicing podiatry in Connecticut.
6. Respondent shall fully comply with all state and federal statutes and regulations applicable to his license.
7. Violation of any of the terms of the New York Order shall be deemed a violation of this Consent Order.
8. Respondent understands that this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Board of Examiners in Podiatry (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-59 of the General Statutes of Connecticut, as amended, is at issue.
9. The parties hereby stipulate and agree that any violation of the terms of this Consent Order constitutes grounds for the Department to seek a summary suspension of respondent's license. Respondent specifically waives the provisions of Connecticut General Statutes §§4-182(c) and 19a-17(c) which require a finding of an emergency and a clear and immediate danger to the public health and safety, respectively.
10. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
11. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Public Health and Addiction Services at any time prior to its being executed by the last signatory.

12. Respondent hereby authorizes a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Public Health and Addiction Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners in Podiatry. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
13. All reports requires by the terms of this Order, and all correspondence shall be addressed to:

Lynne Hurley, Special Investigator
Department of Public Health and Addiction Services
Public Health Hearing Office
150 Washington Street
Hartford, CT 06106

14. Respondent understands that he has the right to consult with an attorney prior to signing this document.
15. Respondent understands that this Consent Order is a matter of public record.

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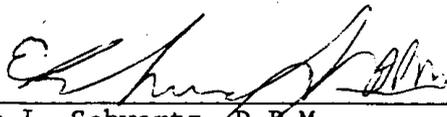
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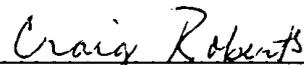
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*

I, Eric L. Schwartz, D.P.M., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Eric L. Schwartz, D.P.M.

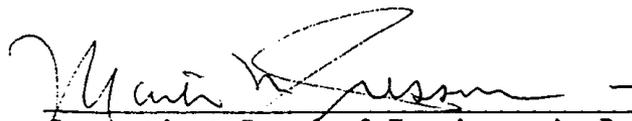
Subscribed and sworn to before me this 3rd day of November 1993.


Notary Public or person authorized
by law to administer an oath or
affirmation
CRAIG ROBERTS
NOTARY PUBLIC, State of New York
No. 4523421
Qualified in Nassau County
Commission Expires March 30, 1995

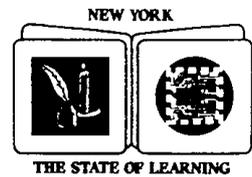
The above Consent Order having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 16th day of November, 1993, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners in Podiatry on the 17th day of November 1993, it is hereby ordered and accepted.


Connecticut Board of Examiners in Podiatry

RAS:cja
8720Q/48-54
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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12230

OFFICE OF PROFESSIONAL CREDENTIALING
DIVISION OF PROFESSIONAL LICENSING SERVICES

STATE OF NEW YORK)

SS:

COUNTY OF ALBANY)

In accordance with the Civil Practice Law and Rules Article 45, Rule 4540, I, Rita Lee St. John, Senior Clerk in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true and correct copies of the original documents in our files relating to **ERIC L. SCHWARTZ**.

Witness my hand and the seal of the New York State Education Department this 26 January, 1993.

Handwritten signature of Rita Lee St. John in cursive.

Rita Lee St. John, Senior Clerk
Professional Licensing Services

DATED
01/26/93



The University of the State of New York

IN THE MATTER

OF

ERIC L. SCHWARTZ
(Podiatrist)

ORIGINAL
VOTE AND ORDER
NO. 12407

Upon the application of ERIC L. SCHWARTZ, under Calendar No. 12407, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (May 22, 1992): That the application of ERIC L. SCHWARTZ, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

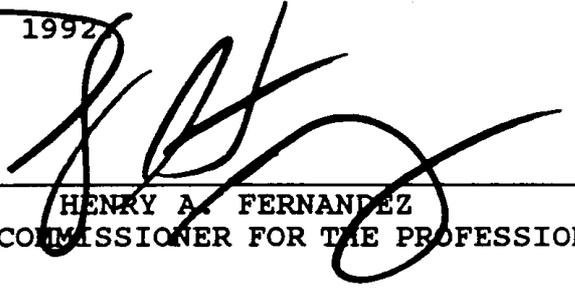
and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

ERIC L. SCHWARTZ (12407)

IN WITNESS WHEREOF, I, Henry A. Fernandez, Deputy Commissioner for the Professions of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 22nd day of May, 1992.



HENRY A. FERNANDEZ
DEPUTY COMMISSIONER FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR PODIATRY

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

ERIC L. SCHWARTZ

**APPLICATION FOR
CONSENT ORDER**

CAL. NO. 12407

who is currently licensed to practice
as a podiatrist in the State of New York.

-----X

STATE OF NEW YORK)

ss:

COUNTY OF)

ERIC L. SCHWARTZ, being duly sworn, deposes and says:

That on or about July 22, 1983 I was licensed to practice as a podiatrist in the State of New York, having been issued license No. 003605 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a podiatrist in the State of New York from an address at: 2302 Hempstead Turnpike, East Meadow, New York 11554.

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A".

I hereby admit guilt to the aforesaid specification of professional misconduct, charging me with being convicted of committing an act constituting a crime under New York State Law (Offering A False Instrument For Filing In The Second Degree).

ERIC L. SCHWARTZ

I hereby agree to the penalty that my license to practice as a podiatrist in the State of New York be suspended for two (2) years, that execution of said suspension be stayed; that I be fined in the amount of five thousand (\$5,000.00) dollars; said fine to be paid in accordance with the terms of probation set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B"; that I be required to perform one hundred (100) hours of public service, as set forth in the aforesaid Exhibit "B"; and that I be placed on probation for two (2) years under the terms of probation as set forth in the aforesaid Exhibit "B".

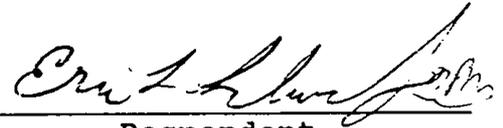
I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, 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 disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

ERIC L. SCHWARTZ

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order of the Deputy Commissioner for the Professions may be issued in accordance with the same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


Respondent

Sworn to before me this

21ST day of March, 1992


NOTARY PUBLIC

ERIC L. SCHWARTZ
NOTARY PUBLIC, State of New York
No. 628871
City of New York, New York County
Commission Expires March 30, 1994.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR PODIATRY

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

ERIC L. SCHWARTZ

STATEMENT
OF
CHARGES

CAL. NO. 12407

who is currently licensed to practice
as a podiatrist in the State of New York.

-----X

TO: THE REGENTS REVIEW COMMITTEE

THE NEW YORK STATE EDUCATION DEPARTMENT BY ITS DIVISION OF
PROSECUTION OF THE OFFICE OF PROFESSIONAL DISCIPLINE ALLEGES AS
FOLLOWS:

ERIC L. SCHWARTZ, hereinafter referred to as the Respondent,
was issued license No. 003605 on or about July 22, 1983 by the New
York State Education Department authorizing the Respondent to
practice as a podiatrist in the State of New York.

Respondent is currently registered with the New York State
Education Department to practice as a podiatrist in the State of
New York from an address at: 2302 Hempstead Turnpike, East
Meadow, New York 11554.

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with being convicted of committing an
act constituting a crime under New York State law, within the
purview and meaning of Section 6509, subdivision 5(a)(i) of the
Education Law of the State of New York, in that:

- (a) Pursuant to Grand Jury Indictment No. AG-8-
2628, filed November 28, 1989 in Supreme Court, County
of Albany, State of New York, Respondent was charged

EXHIBIT "A"

inter alia with Offering A False Instrument For Filing In The First Degree, in violation of Section 175.35 of the Penal Law of the State of New York, a class E felony;

(b) The Indictment alleged that between on or about June 12, 1985, and about June 21, 1985, in the County of Albany, State of New York, knowing that a written instrument contained a false statement and false information, and with intent to defraud the State of New York, Respondent offered and presented it to a public office and public servant with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of said public office and said public servant, in the following manner:

Respondent, a podiatrist, submitted and caused to be submitted to McAuto Systems, Inc., a fiscal agent of the State of New York, a New York State Medical Assistance (Title XIX) Program Claim form, which he knew falsely stated that he had provided foot molds fabricated from casts to Medicaid patient number 38746261015;

(c) On or about February 7, 1991, based on the allegations contained in the aforesaid Indictment, Respondent pleaded guilty to the charge of Offering A False Instrument For Filing In The Second Degree, in violation of Section 175.30 of the Penal Law of the

State of New York, a class A misdemeanor, in full satisfaction of the Indictment. In said plea Respondent admitted that he submitted and caused to be submitted to McAuto Systems, Inc., fiscal agent of the State of New York, numerous claims which stated that he had provided foot molds fabricated from casts to various Medicaid recipients, when in fact he did not provide appliances made from a cast. In reliance upon these false claims, the State of New York paid Eric L. Schwartz approximately \$13,246 to which he was not entitled.

WHEREFORE, it is requested that a disciplinary penalty be exacted upon the Respondent and upon the license and registration previously granted to the Respondent to practice as a podiatrist in New York State.

Dated: 20th day of November, 1991

CHARLES J. ADAMS
PROFESSIONAL CONDUCT OFFICER

NINA GOTTLIEB
DIRECTOR OF PROSECUTIONS

By: *Lydia Perez*

LYDIA PEREZ
Prosecuting Attorney
Office of Professional Discipline
N.Y.S. Education Department
One Park Avenue - 6th Floor
New York, New York 10016-5802
(212) 951-6401

LP:rc

EXHIBIT "B"

TERMS OF PROBATION

ERIC L. SCHWARTZ

CALENDAR NO. 12407

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, NY 10016-5802, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That Respondent shall pay the \$5,000 fine imposed upon Respondent, by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Executive Director, Office of Professional Discipline, as aforesaid, no later than twelve (12) months after the effective date of the service of the Order of the Deputy Commissioner for the Professions to be issued in this matter;
4. That Respondent shall, within the first eighteen (18) months of the period of probation, perform 100 hours of public service to be selected by Respondent and previously approved, in writing, by the New York State Education Department and Respondent shall submit satisfactory proof of performing such public service, within ten (10) days after the completion thereof, to the Executive Director, Office of Professional Discipline, addressed as above;
5. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;

ERIC L. SCHWARTZ
CALENDAR NO. 12407

6. That Respondent shall submit written proof to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
7. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

240 P 521 640 781

128 P 521 640 796

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)



University of the State of New York

IN THE MATTER
OF
ERIC L. SCHWARTZ
(PODIATRIST)

Sent to	Eric L. Schwartz, DPM
Street and No.	2302 Hempstead Turnpike
P.O. State and ZIP Code	East Meadow, NY 11554
Postage	\$ 98
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	1.35
TOTAL Postage and Fees	\$ 5.83
Postmark or Date	

Sent to	Amy T. Kulb, Esq.
Street and No.	585 Stewart Ave.
P.O. State and ZIP Code	Garden City, NY 11530
Postage	\$ 98
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	1.35
TOTAL Postage and Fees	\$ 3.33
Postmark or Date	

PS Form 3800, June 1985

PS Form 3800, June 1985

STATE OF NEW YORK)
COUNTY OF ALBANY)

SS.:

Michael A. Kinley

being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, Cultural Education Center, Empire State Plaza, Albany, New York 12230.

On the 22nd day of MAY, 1992, I personally delivered to the Empire State Plaza Postal Office the Duplicate Original Vote of the Board of Commissioner of Education under Calendar No. 12407, and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 2302 Hempstead Turnpike, East Meadow, New York 11554 & Amy T. Kulb, Esq., Jacobson & Goldberg, Esq., 585 Stewart Avenue, Garden City, New York 11530. Certified Mail Receipt No. P521 640 781 & 796.

The effective date of the Order being the 27th day of MAY, 1992.

[Signature]

Sworn to before me this 8 day of June, 1992

Stephen E. Aronow

Notary Public for the State of New York
Residing in Albany County
Commission Expires AS 20, 1992
Reg # 714048

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR PODIATRY

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IN THE MATTER

of the

Disciplinary Proceeding

against

ERIC L. SCHWARTZ

APPLICATION FOR
CONSENT ORDER

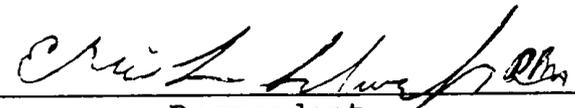
CAL. NO. 12407

who is currently licensed to practice
as a podiatrist in the State of New York.

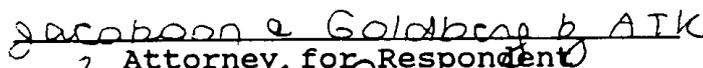
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The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

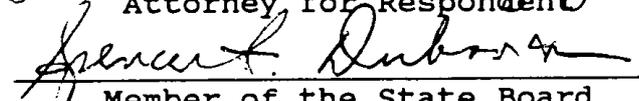
Dated: 3/21 , 1992


Respondent

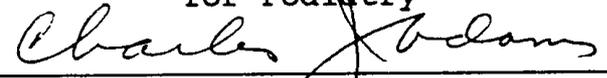
Dated: 3/19 , 1992


Attorney for Respondent

Dated: 3/26 , 1992

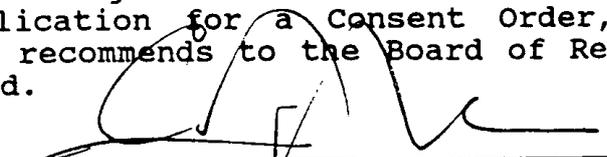

Member of the State Board
for Podiatry

Dated: April 17 , 1992


Executive Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been
designated by the Chairman of the Regents Committee on Professional
Practice to review this Application for a Consent Order, has
reviewed said Application and recommends to the Board of Regents
that the Application be granted.

Dated: Apr. 29 , 1992


Member, Board of Regents

LP:hb

