

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. \_\_\_\_\_

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

In re: Douglas Herzlich, D.P.M

Petition No. 901107-19-019

CONSENT ORDER

WHEREAS, Douglas Herzlich, D.P.M., of New York, has been issued license number P00371, to practice podiatry by the Department of Health Services pursuant to Chapter 375 of the General Statutes of Connecticut, as amended; and

WHEREAS, Douglas Herzlich, D.P.M., hereinafter referred to as the Respondent, hereby admits as follows:

1. That in 1984 he received license number 003749 to practice podiatry in New York.
2. a. That in 1985 he submitted improper bills from his podiatric practice to Medicaid.  
b. That as the result of the improper bills he received reimbursement money that he was not entitled to receive.
3. That his license to practice podiatry in New York State was placed on probation for two years via an Application for Consent Order (Exhibit A).
4. That he was convicted of Attempted Grand Larceny in New York due to his improper billings.
5. That by his actions in paragraphs 2. above he violated the provisions of §20-59 of the General Statutes of Connecticut by failing to conform to the accepted standards of the podiatric profession.
6. That he is not presently practicing podiatry in Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-59 of the General Statutes of Connecticut, Douglas Herzlich hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That his license to practice podiatry in Connecticut is hereby suspended for five (5) years.
3. That he 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 or §20-45 of the General Statutes of Connecticut, as amended, is at issue.
4. That 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, that said 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 him of any rights that he may have under the laws of the State of Connecticut or of the United States.
5. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.

6. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
7. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health 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. He further agrees that the pre-hearing review form signed by him is incorporated by reference into this Consent Order.
8. That he has had the opportunity to consult with an attorney prior to signing this document.

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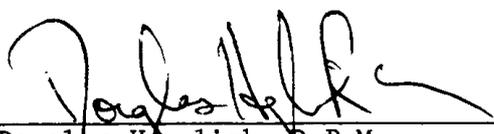
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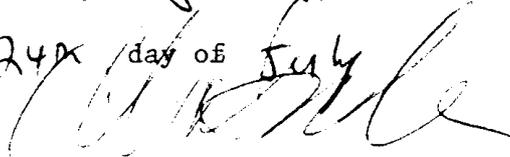
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I, Douglas Herzlich, D.P.M., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

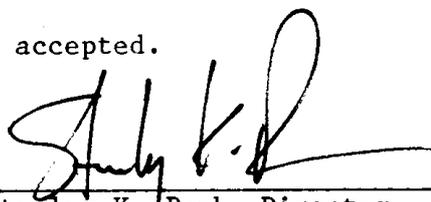
  
\_\_\_\_\_  
Douglas Herzlich, D.P.M.

Subscribed and sworn to before me this 24<sup>th</sup> day of July 1991.

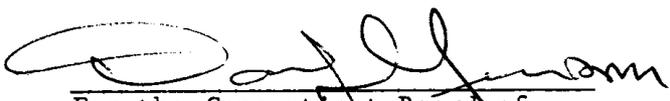
**ALAN ST.**  
Notary Public, State of New York  
No. 4344673  
Qualified in Bronx County  
Term Expires April 30, 1993

  
\_\_\_\_\_  
Notary Public or person authorized  
by law to administer an oath or  
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 2<sup>nd</sup> day of August 1991, 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 \_\_\_\_\_ day of \_\_\_\_\_ 1991, it is hereby ordered and accepted.

  
\_\_\_\_\_  
For the Connecticut Board of  
Examiners in Podiatry

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

DOUGLAS HERZLICH

APPLICATION FOR  
CONSENT ORDER

CAL. NO. 10658

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

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STATE OF NEW YORK )

COUNTY OF *New York*)

ss:

DOUGLAS HERZLICH, being duly sworn, deposes and says:

That on or about July 23, 1984 I was licensed to practice as  
podiatrist in the State of New York, having been issued license No  
003749 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: 1120 Morris Park Avenue, Bronx, New York 10461.

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

DOUGLAS HERZLICH

I admit guilt to the aforementioned specification of professional misconduct.

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 placed on probation for a period of two (2) years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B"; that I be required to perform fifty (50) hours of public service, in the manner set forth in the aforesaid terms of probation, and that I be fined the sum of five thousand (\$5,000.00) dollars, said fine to be paid as set forth in the aforesaid terms of probation.

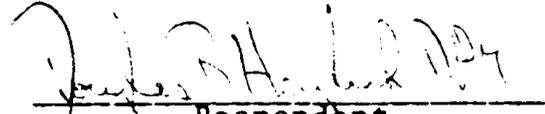
I hereby make this application to the Board of Regents and request that it be granted.

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.

DOUGLAS HERZLICH

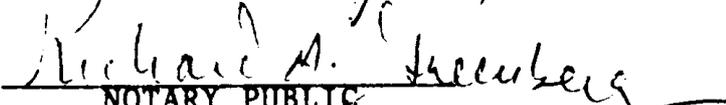
I agree that in the event the Board of Regents grants my application, as set forth herein, an Order of the Commissioner of Education may be issued in accordance with the same.

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

5<sup>th</sup> day of April, 1990

  
\_\_\_\_\_  
NOTARY PUBLIC

**RICHARD A. GREENBERG**  
Notary Public, State of New York  
No. 31-1552760  
Qualified in New York County  
Commission Expires March 30, 1991

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EXHIBIT "A"

DOUGLAS HERZLICH

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(5)(a)(i) of the Education Law of the State of New York, in that:

On December 9, 1987 Respondent pled guilty in the County Court, County of Westchester, State of New York to Attempted Grand Larceny in the Third Degree, a violation of Section 155.30 (now Section 155.35) of the Penal Law of the State of New York. Said plea was based on the fact that Respondent submitted bills to Medicaid for items, such as prescription footwear, for Medicaid recipients for whom said items were not medically necessary.