



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

December 27, 1994

PUBLIC

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Richard Pearlman, M.D.
1260 Richmond Road
Staten Island, New York 10304

RE: License No. 104255

Effective Date: 1/3/95

Dear Dr. Pearlman:

Enclosed please find Order #BPMC 94-277 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

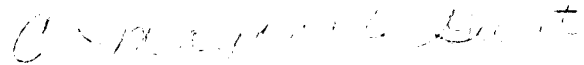
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Maynard Guest".

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
RICHARD PEARLMAN, M.D. : BPMC #94-277

-----X

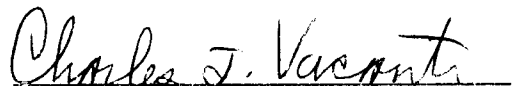
Upon the application of RICHARD PEARLMAN, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that 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 Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 22 December 1994


Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

I admit guilt to the third and fifth specifications to the extent that they are based upon factual allegations A, D, and F, in full satisfaction of the charges against me.

I hereby agree to the following penalty: 1) a two year suspension of my license to practice medicine, stayed; 2) two years probation in accordance with the terms of probation annexed hereto and marked as Exhibit "B"; 3) a requirement that I attend, at my own expense, two to four counseling sessions with a psychiatrist regarding the ethical standards of psychiatrist/patient relationships, approved by the Office of Professional Medical Conduct, and to be completed within the first six months of my period of probation; 4) a fine in the amount of twenty thousand dollars (\$20,000) payable within the first six months of my period of probation in monthly installments of three thousand dollars (\$3,000) each for the first five months and five thousand dollars(\$5,000) for the sixth month.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



RICHARD PEARLMAN, M.D.
RESPONDENT

Sworn to before me this
13th day of December, 1944.



NOTARY PUBLIC

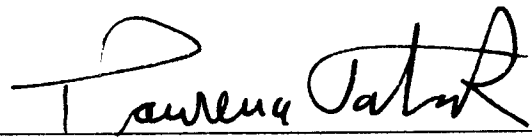
PAUL STEIN
NOTARY PUBLIC, State of New York
No. 24-4819874
Qualified in Kings County
Commission Expires June 30, 1946

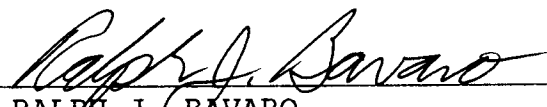
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
RICHARD PEARLMAN, M.D. :
: ORDER
-----X

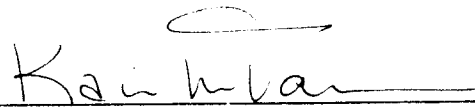
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 13 Dec 94 
RICHARD PEARLMAN, M.D.
RESPONDENT

Date: December 13, 1994 
T. LAWRENCE TABAK
ATTORNEY FOR RESPONDENT

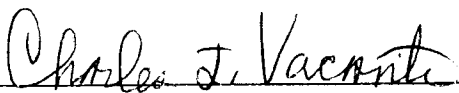
Date: December 13, 1994 
RALPH J. BAVARO
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: dec. 20, 1994



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 22 December 1994



CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X
IN THE MATTER : STATEMENT
OF : OF
RICHARD PEARLMAN, M.D. : CHARGES
-----X

RICHARD PEARLMAN, M.D., the Respondent, was authorized to practice medicine in New York State on 1969 by the issuance of license number 104255 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 1260 Richmond Road, Staten Island, New York 10304.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A (more fully identified in Appendix A) in his office at 1260 Richmond Road, Staten Island, New York, for the purpose of psychiatric counseling from on or about September 18, 1978 until at least November 29, 1984.
- B. Between approximately 1985 and 1990 Patient A continued to visit Respondent in his office and speak to him on the telephone for counseling on an intermittent basis.

- C. Between approximately 1988 and October 1990, telephone conversations between Respondent and Patient A began to involve inappropriate sexual innuendo, progressing gradually to conversations of a sexually explicit nature.
- D. From approximately October 1990 until October 1992, Respondent and Patient A maintained a relationship which included physical sexual relations as well as sexual interaction by telephone.
- E. Respondent wrote prescriptions for Patient A for Synalar, Nordette and Erythromycin on or about May 19, 1991, February 25, 1992 and October 1, 1992 respectively. On or about October 5, 1992 Respondent wrote Patient A a "sick note" regarding purported treatment for a respiratory infection.
- F. On or about October 5, 1992, Respondent completed a form for Ms. B (Patient A's daughter) entitled "Department of Health, City of New York, Board of Education, Scholastic, Sports Examination". On that form Respondent falsely represented that he had performed a physical examination on Ms. B.
- G. On several occasions during the period from approximately October 1990 to October 1992, Respondent told Patient A the

names of at least three other patients under Respondent's care as well as information about those patients.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with practicing the profession with gross negligence within the meaning of N.Y. Educ. Law Section 6530(4) (McKinney Supp. 1994) in that Petitioner charges:

1. The facts contained in paragraphs A, B, C, D and/or E.

SECOND SPECIFICATION

Respondent is charged with practicing the profession with moral unfitness within the meaning of N.Y. Educ. Law Section 6530(20) (McKinney Supp. 1994) in that Petitioner charges:

2. The facts contained in paragraphs A, B, C, D and/or E.

THIRD SPECIFICATION

Respondent is charged with having physical contact of a sexual nature with a psychiatric patient within the meaning of N.Y. Educ. Law Section 6530(44) (McKinney Supp. 1994) in that Petitioner charges:

3. The facts contained in paragraphs A, B, C, D and/or E.

FOURTH SPECIFICATION

Respondent is charged with willfully abusing or intimidating a patient within the meaning of N.Y. Educ. Law Section 6530(31) (McKinney Supp. 1994) in that Petitioner charges:

4. The facts contained in paragraphs A, B, C, D, and/or E.

FIFTH SPECIFICATION

Respondent is charged with willfully making a false report within the meaning of N.Y. Educ. Law Section 6530(21) (McKinney Supp. 1994) in that Petitioner charges:

5. The facts contained in paragraph F.


SIXTH SPECIFICATION

Respondent is charged with revealing personally identifiable facts, data or information obtained in a professional capacity without prior patient consent, within the meaning of N.Y. Educ. Law Section 6530(23) (McKinney Supp. 1994) in that Petitioner charges:

6. The facts contained in paragraph G.

DATED: New York, New York

November 16, 1994



CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. RICHARD PEARLMAN, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. 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 New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, 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 or 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;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the Order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is

not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.