

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
ISAAC STEVEN HERSCHKOPF, M.D.

NOTICE
OF
HEARING

TO: ISAAC STEVEN HERSCHKOPF, M.D.


PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on September 24 at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, New York, New York, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here [REDACTED]

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

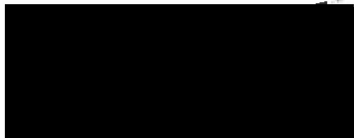
Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the

Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW
YORK STATE BE REVOKED OR SUSPENDED, AND/OR
THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS
SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO
REPRESENT YOU IN THIS MATTER.

DATED: July 11, 2019
New York, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
Daniel Guenzburger
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Bureau of Professional Medical Conduct
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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ISAAC STEVEN HERSCHKOPF, M.D.

STATEMENT

OF

CHARGES

Isaac Steven Herschkopf, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 3, 1978, by the issuance of license number 133525 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. In or about and between June 26, 1981 and October 2010, the Respondent, a psychiatrist, treated Patient A with intensive psychotherapy for depression and anxiety.

1. Respondent exercised undue influence on Patient A in such a manner as to exploit the patient for his own personal financial gain, including but not limited to:

a. In or about February 1984, at Respondent's direction, Patient A created a private charitable foundation ("Foundation"). Respondent, Respondent's wife and Patient A were board members of the Foundation. Patient A was by far the largest contributor to the Foundation while Respondent directed almost all disbursements, including writing several checks that Respondent made out to himself personally.

b. In or about February 1984, at Respondent's direction, Patient A executed a will in which he left his entire estate to the Foundation. Patient A appointed Respondent as executor and Respondent's wife as successor co-executor of the will.

- c. In or about March 1985, at Respondent's direction, Patient A added Respondent as joint owner to Patient A's Swiss bank account. The bank account was then worth \$920,000. As a joint owner, Respondent had legal authority to dispose of all funds in the joint bank account without seeking prior approval of Patient A.
- d. On or about August 13, 1991, at Respondent's direction, Patient A executed a will in which he left his Southampton estate to Respondent's wife.
- e. On or about August 13, 1991, at Respondent's direction, Patient A appointed Respondent as his power of attorney.
- f. On or about and between June 1984 and August 2010, Respondent and his family used Patient A's Southampton estate for family vacations as well some Jewish holidays. Respondent would also host numerous parties, family celebrations and other social gatherings at Patient A's home. Respondent did not compensate Patient A for his extensive personal use of Patient A's home.
 - i. Further, at Respondent's direction and without compensation, Patient A spent hundreds of hours complying with Respondent's detailed instructions to set up his home for Respondent's many parties and social gatherings.
- g. In or about and between 1984 and August 2010, at Respondent's direction, Patient A performed hundreds of hours of secretarial services without compensation, including but not limited to typing Respondent's book manuscripts, personal correspondence, professional correspondence, including confidential documents related to Respondent's psychiatric practice.
- 2. On multiple occasions, Respondent violated acceptable ethical standards of psychiatry by entering into inappropriate business, financial and social arrangements with Patient A.
- 3. Respondent concealed, with intent to deceive, that he was Patient A's psychiatrist by using a pseudonym, Mr. Isaac Stevens, in a variety of public contexts. For example, Respondent used the pseudonym to conceal his identity when he represented that he was a business consultant and/or officer of Patient A's company.

B. In or about 1985, the Respondent commenced an intensive psychotherapeutic relationship with Patient B, a 28-year-old female at the onset of treatment. Patient B's active therapeutic relationship with Respondent extended through 2003.

1. Respondent violated acceptable ethical standards of psychiatry by engaging in inappropriate business, financial and social arrangements with Patient B, including but not limited to:
 - a. Extensive social involvement.
 - b. Inappropriate physical touching of a psychiatric patient.
 - c. Permitting Patient B to deposit significant sums of money with the Foundation. As previously alleged in factual allegation A(1)(a), the Respondent was a board member of the Foundation and had the authority to make disbursements.
 - d. Failing to attempt to persuade Patient B to revise her will upon being informed that the Patient had designated Respondent's children as the sole beneficiaries in her will.
2. Respondent failed to maintain a record that accurately reflects the evaluation and treatment of Patient B.

SPECIFICATION OF CHARGES
FIRST AND SECOND SPECIFICATIONS

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), A1(g), and/or A2. .
2. Paragraphs B, B1, B1(a), B1(b), B1(c), B1(d), and/or B2.

THIRD AND FOURTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on an occasion as alleged in the facts of the following:

3. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), A1(g), and/or A2.
4. Paragraphs B, B1, B1(a), B1(b), B1(c), B1(d), and/or B2.

FIFTH AND SIXTH SPECIFICATIONS

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of:

5. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), A1(g), and/or A2.
6. Paragraphs B, B1, B1(a), B1(b), B1(c), B1(d), and/or B2.

SEVENTH AND EIGHTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

7. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), A1(g), and/or A2.
8. Paragraphs B, B1, B1(a), B1(b), B1(c), B1(d), and/or B2.

NINETH SPECIFICATION

EXERCISING UNDUE INFLUENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(17) by exercising undue influence on the patient in such manner as to exploit the patient for the financial gain of the licensee or of a third party, as alleged in the facts of:

9. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), and/or A1(g).

TENTH SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

10. Paragraphs A and A3.

ELEVENTH SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

11. Paragraphs A, A1, A1(a), A1(b), A1(c), A1(d) A1(e), A1(f), A1(g), A2, B, B1, B1(a), B1(b), B1(c), and/or B1(d).

TWELVETH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

1. Paragraphs B and B2.

DATE: July 11, 2019
New York, New York


HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct