



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 22, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eugene Martin Kornhaber, M.D.
10 West Hyatt Avenue
Mt. Kisco, NY 10549

RE: License No. 108687

Dear Dr. Kornhaber:

Enclosed please find Order #BPMC 98-146 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 29, 1998.**

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: William Wood, Esq.
Wood and Scher
The Harwood Building
Scarsdale, NY 10583

Denise Quarles, Esq.

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

IN THE MATTER
OF
EUGENE MARTIN KORNHABER, M.D.

CONSENT
AGREEMENT
AND
ORDER

98-146

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

EUGENE MARTIN KORNHABER, M.D., being duly sworn, deposes and says:

That on or about July 1, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 108687 by the New York State Education Department.

My current address is 10 West Hyatt Avenue, Mt. Kisco, NY 10549, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be suspended for a period of two years, with said suspension to be entirely stayed. I shall be subject to an requirement which shall have the force of a Condition imposed pursuant to N.Y. Public Health Law §230, that I pursue a course of counselling and cooperate fully with the Office of Professional Medical Conduct in

its verification and monitoring of my compliance with all terms and conditions of the Consent Order, as is more fully set forth in Exhibit "B", attached.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


EUGENE MARTIN KORNHABER, M.D.
RESPONDENT

Sworn to before me this

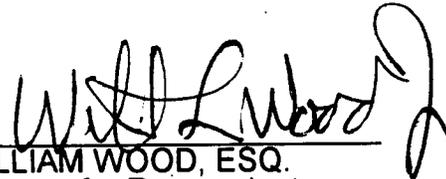
3^d day of July, 1998

NOTARY PUBLIC

WILLIAM E. WOOD JR.
Notary Public, State of New York
No. 4690168
Qualified in Westchester County
Commission Expires March 30, 1999
2/28 2000

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

DATE: July 3, 1998


WILLIAM WOOD, ESQ.
Attorney for Respondent

DATE: July 10, 1998


DENISE L. QUARLES
Attorney
Bureau of Professional Medical Conduct

DATE: July 15, 1998


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

**IN THE MATTER
OF
EUGENE MARTIN KORNHABER, M.D.**

**CONSENT
ORDER**

Upon the proposed agreement of EUGENE MARTIN KORNHABER, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is agreed to
and

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: 7/19/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
EUGENE MARTIN KORNHABER, M.D.**

**STATEMENT
OF
CHARGES**

EUGENE MARTIN KORNHABER, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1971, by the issuance of license number 108687 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During a period of several months during the year 1990, Respondent engaged in a personal, social, and sexual relationship with Patient A (identified in Appendix A), a former patient of Respondent's in his practice of psychiatry.

SPECIFICATION OF CHARGES

**SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of the following:

1. Paragraph A.

DATED: July , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "A"

EXHIBIT "B"

1. Respondent shall engage in treatment with a therapist or counsellor ("the therapist"), who shall be a licensed health care provider, proposed by Respondent and approved, in writing, by the Director of OPMC. The therapist shall not be a family member or personal friend, or be in professional relationship which would pose a conflict with therapy and reporting responsibilities.
2. Respondent shall ensure that the therapist is familiar with Respondent's misconduct and with the terms of this Order. Respondent shall cause the therapist to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the therapist to submit required reports on a timely basis.
3. Respondent shall continue in counseling or other therapy with the therapist as long as the therapist determines is necessary, or for the period of stayed suspension, whichever is shorter.
4. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse. Respondent shall cause the therapist to report to OPMC prior to terminating treatment if and when the therapist determines that treatment is no longer warranted. Said report shall include the basis for such determination.
5. Respondent shall comply with any request from OPMC for information relevant to Respondent's compliance with this Order and shall fully cooperate with OPMC in this matter.