



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 18, 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Shaffer, M.D.



Re: License No. 136767

Dear Dr. Shaffer:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 19-183 regarding the permanent surrender of your New York State Medical License which was effective July 18, 2019.

You are required to deliver your license and registration within five (5) days of receipt of this Order to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.

If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518)402-0855.

Sincerely,



Paula M. Breen
Acting Director
Office of Professional Medical Conduct

Enclosure

cc:

IN THE MATTER
OF
DAVID SHAFFER, M.D.

PERMANENT
SURRENDER
OF
LICENSE

DAVID SHAFFER, M.D., represents that all of the following statements are true:

1. On or about November 10, 1978, I was licensed to practice medicine in the State of New York. I hold license number 136767.
2. My current address is [REDACTED]
I will advise the Director of the Office of Professional Medical Conduct (OPMC) within 30 days of any change in my address.
3. I am permanently incapacitated for the active practice of medicine.
4. My incapacity has not resulted in harm to any patient.
5. I hereby voluntarily surrender my license and registration to the State Board for Professional Medical Conduct (the Board), pursuant to N.Y. Pub. Health Law § 230(13)(b).
6. Prior to entering into this agreement, I held privileges or affiliations with Columbia Presbyterian
7. I understand that this surrender is permanent, that there shall be no restoration of my license, and that I am not authorized to practice medicine.
8. I shall notify all persons who request my medical services that I have permanently withdrawn from the practice of medicine in all jurisdictions. I understand that the Department of Health shall notify hospitals and other health care facilities where I have privileges, the Federation of State Medical Boards, the Federal National Practitioner Data Bank, and other parties inquiring as to my licensure status, that I have permanently surrendered my medical license and registration pursuant to N.Y. Pub. Health Law § 230(13), and that my permanent surrender of license and change in licensure status is not disciplinary in nature. I further understand that this information will be posted on the Department of Health Website.

[REDACTED]

9. I agree to comply with all conditions set forth in attached Exhibit "A" ("Requirements for Closing a Medical Practice").
10. This permanent surrender shall not be an admission of professional misconduct, and shall not be used as evidence of a violation of N.Y. Educ. Law §§ 6530(7) or (8).

Date: 7/17/2019


DAVID SHAFFER, M.D.
Licensee, By: SAMUEL SHAFFER (Holds Power of
Attorney for DAVID SHAFFER, M.D.)

For the New York State Board for
Professional Medical Conduct
(Received)

Dated: 7/18/19

EXHIBIT "A"

**Requirements for Closing a Medical Practice Following
A Surrender of a Medical License**

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing eligibility to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall have delivered to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, Licensee's original license to practice medicine in New York State and current biennial registration.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients that Licensee has ceased medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall give written notice to each health care plan with which Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified that Licensee has ceased medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient, or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the records is kept confidential and is only made available to

authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the Order's effective date.

9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, and if Licensee's license is revoked, surrendered or suspended for a term of 6 months or more under the terms of this Order, Licensee shall divest all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties, as authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, for a Licensee to practice the profession of medicine when the Licensee's professional license has been suspended, revoked or annulled. This punishment is in addition to the penalties for professional misconduct set forth in section N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.