

# SCHAUM LAW OFFICES

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**TO: MEMBERS OF THE LONG ISLAND JEWISH  
ORGANIZED MEDICAL STAFF**

*Physicians must be alert to respond correctly to the many questions asked, not only on applications pertaining to staffing privileges, but, of equal or more importance, those questions asked on relicensing documents required by the state.*

*An error contained on a renewal form can be deemed to be either misrepresentation or a deliberate attempt at concealment – both grounds for professional misconduct and a threat to your license.*

*The most frequent “errors” encountered in renewal applications appear in response to the inquiry as to whether a practitioner has been convicted of a crime. The Health Law case reviews, and our personal experience, indicate that many are confused over the seriousness of a plea, or conviction, on the charge of driving while impaired. While we are certain that the accused party is informed that this offense is, in fact, deemed to be criminal, all too many professionals seem to block out this fact. You may plead or be found guilty of a misdemeanor but the misdemeanor must be reported as a crime in response to the question of whether you have committed a crime since the last date of your renewal.*

*It is the failure to accurately answer the question that generally leads to more serious consequences than had the answer been accurate.*

*If criminal charges have been filed (i.e.- driving while impaired, as an example) but there has not yet been a resolution of the charges, this fact should be revealed on the application before you. Once again, failure to do so will be more harmful than the revelation.*

*A recently reported case brought these factors into play in a somewhat unusual way. A physician was negotiating a consent agreement with the OPMC and neglected to report that there had been a guilty plea to a DWI while the agreement was being negotiated. OPMC combined this issue with other underlying matters and the Health Department issued a license revocation. The punishment was challenged in court with the applicant claiming failure to recognize that a DWI was a crime. The revocation was upheld with the court acknowledging that the action was being taken although no question of patient care was in question. Issues involving the moral character of the licensee are very seriously weighed and considered.*

*Respectfully submitted,*

*Schaum Law Offices*