



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

August 19, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Craig Linder, M.D.
930 Broadway
North Massapequa, New York 11758

RE: License No. 157466

Dear Dr. Linder:

Effective Date: 08/26/96

Enclosed please find Order #BPMC 96-188 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

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: J. Kevin Meneilly, Esq.
1400 Old Country Road
Suite 100A
Westbury, New York 11590-5119

Ann Gayle, Esq.

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

IN THE MATTER
OF
CRAIG MICHAEL LINDER, M.D.

CONSENT
ORDER
BPMC #96-188

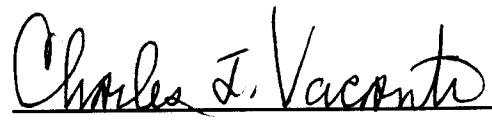
Upon the application of Craig Michael Linder, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 13 August 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
CRAIG MICHAEL LINDER, M.D.

APPLICATION
FOR
CONSENT ORDER

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

Craig Michael Linder, M.D., being duly sworn, deposes and says:

That on or about March 5, 1984, I was licensed to practice as a physician in the State of New York, having been issued License No. 157466, by the New York State Education Department.

My current address is 930 Broadway, North Massapequa, New York 11758, 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 five specifications of professional misconduct.

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


I agree not to contest the charges against me, in full satisfaction of the charges against me. I hereby agree to a permanent limitation of my license (pursuant to N.Y. Public Health Law §230-a(3)) to the extent that I will perform terminations of pregnancy only in a facility defined in and governed by Article 28 of the Public Health Law. I further agree to the penalty of probation for a period of two years, the terms of which are enumerated in Exhibit "B".

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.


CRAIG MICHAEL LINDER, M.D.
RESPONDENT

Sworn to before me this

30 day of July, 1996.


NOTARY PUBLIC

J. KEVIN MENEILLY
NOTARY PUBLIC, State of New York
No. 02ME2659785, Suffolk County
Term Expires Oct. 31, 1997

DATE: Aug. 12, 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 13 August 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
CRAIG MICHAEL LINDER, M.D.

AMENDED
STATEMENT OF
CHARGES

Craig Michael Linder, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 5, 1984, by the issuance of license number 157466, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, age 21, on or about August 5 and 7, 1993, at his office at 930 Broadway, North Massapequa, New York.
1. On or about August 5, 1993 and/or August 7, 1993, Respondent failed to obtain an adequate medical history, or note in the chart such history, if any.
 2. On or about August 5, 1993 and/or August 7, 1993, Respondent failed to perform an adequate physical examination, or note in the chart such examination, if any.
 3. On or about August 5, 1993 Respondent failed to take, or note in the chart, Patient A's blood pressure.
 4. On or about August 7, 1993, Respondent failed to take, or note in the chart, vital signs of the patient before, during, and/or subsequent to the termination of pregnancy.
 5. On or about August 7, 1993, Respondent inappropriately administered 30 cc of Marcaine to Patient A.
Upon receiving the Marcaine, Patient A began to have

seizures and suffered cardiac arrest.

Respondent failed to take appropriate action in response to this event, and Patient A subsequently expired.

6. On or about August 7, 1993, Respondent failed to have available appropriate emergency care supplies, equipment, personnel, and/or a plan/procedure for emergencies, in light of the fact that he was performing significant outpatient surgery in his office.

7. Respondent failed to adequately document the events that transpired from the time of Patient A's seizures and cardiac arrest to the time she was removed from his office

B. Respondent treated Patient B, age 25, from approximately November 12, 1992 to July 13, 1993, at his office at 930 Broadway, North Massapequa, New York.

1. Respondent failed to appropriately follow up on the findings of atypical squamous cells of undetermined origin (ASCUS) from Patient B's pap smear which was performed on or about November 12, 1992.

2. On or about November 12, 1992 and/or December 11, 1992. Respondent failed to obtain an adequate medical history, or note in the chart such history, if any.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 8530(3) (McKinney Supp. 1996), in that Petitioner charges Respondent with having committed at least two of the following

- 1. The facts contained in paragraphs A and A1, 2, 3, 4, 5, 5a, 6 and/or 7, B and B1 and/or B2.

SECOND SPECIFICATION
GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1996) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

- 2. The facts contained in paragraphs A and A1, 2, 3, 4, 5, 5a, 6 and/or 7.

THIRD SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1996) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

- 3. The facts contained in paragraphs A and A1, 2, 3, 4, 5, 5a, 6 and/or 7, B and B1 and/or B2.

FOURTH AND FIFTH SPECIFICATIONS
FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1996) by failing to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient, in that Petitioner charges:

- 4. The facts contained in paragraphs A and A1, 2, 3, 4, and/or 7

5. The facts contained in paragraphs B and B2.

DATED: July 30, 1996
New York, New York

A handwritten signature in cursive script, appearing to read "Roy Nemerson", written over a horizontal line.

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. Craig Michael Linder, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her 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 Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and 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, within 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 and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Respondent shall cooperate with and respond in a timely manner to requests from the Office of Professional Medical Conduct to provide written periodic verification of Respondent's compliance with the terms of this order. If requested, Respondent shall personally meet with the Office of Professional Medical Conduct at the discretion of the Director of the office;
7. Respondent shall, during the period of probation, be bound by the following:
 - a. Respondent shall cooperate with the regular monitoring of his

practice by a physician who is licensed to practice in the State of New York and board certified in Obstetrics-Gynecology ("practice monitor") approved by the Director of OPMC. Such practice monitoring may include unannounced review of Respondent's termination of pregnancy patient records, unannounced actual observation of Respondent's termination of pregnancy practices, interviews of Respondent, and any other reasonable means of monitoring Respondent's termination of pregnancy practice. Any successor practice monitor must also be approved by the Director of OPMC.

- b. Respondent shall not perform any termination of pregnancy procedures until an approved practice monitor and monitoring program are in place. Any performance of termination of pregnancy procedures prior to the approval of a practice monitor will be determined to be a violation of probation.
- c. Respondent shall assure that the practice monitor submits written quarterly reports regarding Respondent's performance of terminations of pregnancy to the Director of OPMC and notify the Director within 24 hours of any performance of terminations of pregnancy, by Respondent, which fails to meet current standards of practice.
- d. Respondent shall, upon the written request of the Director of the Office of Professional Medical Conduct, produce for review, by a designee of the Director, any and all records pertaining to Respondent's medical practice.
- e. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of the Office of Professional Medical Conduct prior to the placement of the practice monitor.

8. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

9. 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.

10. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent

Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.