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PROTHONOTARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

May 13 2 09 PM '96

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :
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Harvey Walter Brookman, M.D. :
Respondent :

Docket No: 0097-49-95
File No: 954900450

ORDER

AND NOW, this 13th day of May, 1996, upon consideration of the Commonwealth's request filed May 13, 1996, it is hereby determined that Respondent has completed 100 credit hours of continuing medical education pursuant to the Order dated February 22, 1996. It is therefore, ORDERED and DIRECTED that the active suspension of Respondent's medical license no. MD-040916-L shall be lifted as of May 13, 1996, and Respondent's license shall be placed on stayed suspension in favor of probation for a period of two (2) years from the date of this Order. Respondent shall comply with the following terms of probation:

1. During each of the two years of probation, Respondent shall complete 100 hours of continuing medical education credits in courses (including audio and/or video tape courses) pertaining to obstetrics/gynecology which courses shall not be taken more than once. The following requirements shall apply:
 - i) the courses shall be of the type normally provided by non-profit or profit organizations or companies and shall be pre-approved by the Prosecuting Attorney's Office or its designee. The Respondent shall furnish, within thirty days prior to the scheduled date of the course, the course description prepared by the course provider. Respondent shall, upon request, provide other information about the course. The Prosecuting Attorney's office or its designee shall provide written notification of approval or reasons of disapproval within fifteen days following receipt of all the above information requested;

ii) Respondent shall submit to the Prosecuting Attorney's office or its designee acceptable proof of completion of the 100 credit hours of continuing medical education courses. Acceptable proof shall consist of a certificate or letter of completion prepared by the sponsor of the continuing medical education courses or a computer printout prepared by the sponsor indicating the completed courses. proof shall contain course titles, completion dates and number of continuing professional education credits awarded. Acceptable proof shall not consist of receipts, course outlines or agendas, cancelled checks, payment acknowledgements, Medical Board CPE reporting forms, affidavits, verifications, or self-prepared records;

iii) Respondent shall be tested by the course provider for each of the continuing medical education courses in courses providing for testing of course enrollees. The test shall be graded by the course provider, subject to review by the Prosecuting Attorney. Respondent shall pass each of the continuing education course tests if such a scoring mechanism is provided by the course provider. Failure to pass a test will prohibit Respondent from using the course credits toward completion of the 100 hours of continuing medical education;

iv) Respondent shall furnish a copy of each test, test score and related information available to him;

2. During each of the two years of probation, Respondent shall provide written notice within twenty days of any and all of the following:

i) Change in his residential and/or office address and/or any facility at which he practices;

ii) The initiation of any investigation or action by the medical licensing authority of any state or jurisdiction in the United States, any law enforcement agency of the U.S. Attorney General's Office or any similar state agency and any health care provider facility. Respondent shall provide true and correct copies of any documents and pleadings generated by any agency or in any action;

iii) The initiation of any lawsuit pertaining to Respondent's practice of medicine and surgery;

3. Respondent shall comply with all laws pertaining to the practice of medicine and surgery in any state or jurisdiction in the United States;

4. Respondent shall cooperate with the Bureau of Professional and Occupational Affairs (Bureau), the Prosecuting Attorney's office or the Pennsylvania State Board of Medicine with regard to any requests for documents, written answers or any information within twenty days after a request is made to him. This shall not include patient records except as provided for in 63 P.S. §422.9;

5. Respondent shall sign appropriate releases for information within twenty days after a request is made to him.

6. Respondent shall comply with all terms of the New Jersey Stipulation of Settlement, however, the continuing medical education course hours in this Adjudication and Order shall be the same as those required by the New Jersey Stipulation of Settlement and not in addition to them;

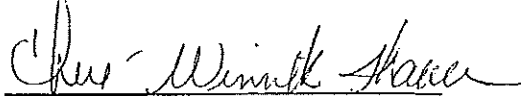
7. Respondent shall pay a civil penalty of \$1,000.00 within twenty days of the entry of this Final Order and Adjudication;

8. Respondent is permanently and forever prohibited from performing hysteroscopies, or aiding or assisting in the performance of hysteroscopies, in any state or jurisdiction in the United States. Respondent shall not keep any hysteroscope in his office;

9. Respondent shall be solely responsible for all costs in connection with the continuing medical education courses and the probation;

10. All information and documents to be submitted by Respondent pursuant to this Adjudication and Order shall be truthful and accurate.

BY ORDER:



Cheré Winnek-Shawer, Ph.D., Esq.
Administrative Hearing Examiner

Respondent's Attorney: Mel Narol, Esquire
Pelettieri, Rabstein and Altman
Suite 111
100 Nassau Park Blvd.
CN 5301
Princeton, New Jersey 05543-5301

Prosecuting Attorney: James A. Holzman. Esq.
P.O. Box 2649
Harrisburg, Pennsylvania 17105--2649

DATE OF MAILING: May 14, 1996

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :

VS. :
Harvey W. Brookman, M.D., :
Respondent :

Docket No. 0097-49-95
File No. 957900450

PROTHONOTARY
FEB 22 2 05 PM '95
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

ADJUDICATION AND ORDER

Initial Findings of Fact

Date Petition for Immediate Temporary Suspension: January 5, 1995

Date Order for Immediate Temporary Suspension Served: January 10, 1995

Date of Preliminary Hearing and Continuance of Immediate Temporary Suspension: February 6, 1995

Date of Commonwealth's Order to Show Cause: March 14, 1995

Date 180 days tolled pursuant to various waivers signed by Respondent: March 4, 1996

Additional Findings of Fact

The facts listed below are recited in the Order to Show Cause and admitted to by Respondent:

1. On November 28, 1994, the State of New Jersey, Department of Law and Public Safety, State Board of Medical Examiners issued an Order of Temporary Suspension against Respondent's New Jersey Medical license;

2. Said suspension was based on Respondent's improper use of hysteroscopic examinations;

3. On February 13, 1996, Respondent entered into Consent Agreement with the State of New Jersey which finalized the Immediate Temporary Suspension action against Respondent;

4. Counts two and three were dismissed at hearing on January 23, 1996;

5. Respondent is the holder of Pennsylvania license number MD-040916-L;

Conclusions of Law:

1. Respondent violated 63 P.S. §422.41(4) in that Respondent was disciplined by the State of New Jersey, Department of Law and Public Safety, State Board of Medical Examiners.

Discussion:

The Board of Medicine has a duty and responsibility to protect the public. The State of New Jersey ordered the immediate temporary suspension of Respondent's New Jersey License for, among other reasons, improper use of hysteroscopic examinations. On February 13, 1996, the parties entered into a consent agreement in the New Jersey action.

Respondent has been on temporary suspension in Pennsylvania since January 10, 1995, over twelve months. In order for Respondent to engage in the practice of medicine in the future, he must show he is qualified to do so by means of ongoing education in the field obstetrics/gynecology. Furthermore, in order to more fully protect the public, Respondent must not be allowed to perform hysteroscopies or to aid or assist in the performance of hysteroscopies.

Based on the above, the following order will issue:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BOARD OF MEDICINE

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :
: :
VS. : Docket No. 0097-49-95
: File No. 954900450
Harvey Walter Brookman M.D., :
Respondent :
:
:

ORDER

AND NOW, this 22nd day of February, 1996, upon consideration of the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED and DIRECTED that Respondent's license, number MD-040916-L is hereby SUSPENDED under the following terms and conditions:

1. Respondent's license MD-026946-E, currently on temporary suspension, shall be on active suspension from the practice of medicine and surgery in the Commonwealth of Pennsylvania until he has provided acceptable proof of completion of 100 credit hours of continuing medical education courses (including audio and/or video tape courses) pertaining to obstetrics/gynecology which courses shall not be taken more than once and shall have been taken since January 23, 1996. The type of courses and the acceptable proof of completion are set forth in Paragraph 2;

2. Upon submission of such proof, Respondent's license shall be placed on stayed suspension in favor of probation for a period of two years with respect to his practice of medicine and surgery in the Commonwealth of Pennsylvania which time period shall begin to run from the date this hearing examiner enters an appropriate Order. Respondent shall comply with the following terms of probation:

a. During each of the two years of probation, Respondent shall complete 100 hours of continuing medical education credits in courses (including audio and/or video tape courses) pertaining to obstetrics/gynecology which courses shall not be taken more than once. The following requirements shall apply:

i) the courses shall be of the type normally provided by non-profit or profit organizations or companies and shall be pre-approved by the Prosecuting Attorney's Office

or its designee. The Respondent shall furnish, within thirty days prior to the scheduled date of the course, the course description prepared by the course provider. Respondent shall, upon request, provide other information about the course. The Prosecuting Attorney's office or its designee shall provide written notification of approval or reasons of disapproval within fifteen days following receipt of all the above information requested;

ii) Respondent shall submit to the Prosecuting Attorney's office or its designee acceptable proof of completion of the 100 credit hours of continuing medical education courses. Acceptable proof shall consist of a certificate or letter of completion prepared by the sponsor of the continuing medical education courses or a computer printout prepared by the sponsor indicating the completed courses. proof shall contain course titles, completion dates and number of continuing professional education credits awarded. Acceptable proof shall not consist of receipts, course outlines or agendas, cancelled checks, payment acknowledgements, Medical Board CPE reporting forms, affidavits, verifications, or self-prepared records;

iii) Respondent shall be tested by the course provider for each of the continuing medical education courses in courses providing for testing of course enrollees. The test shall be graded by the course provider, subject to review by the Prosecuting Attorney. Respondent shall pass each of the continuing education course tests if such a scoring mechanism is provided by the course provider. Failure to pass a test will prohibit Respondent from using the course credits toward completion of the 100 hours of continuing medical education;

iv) Respondent shall furnish a copy of each test, test score and related information available to him;

b. During each of the two years of probation, Respondent shall provide written notice within twenty days of any and

all of the following:

i) Change in his residential and/or office address and/or any facility at which he practices;

ii) The initiation of any investigation or action by the medical licensing authority of any state or jurisdiction in the United States, any law enforcement agency of the U.S. Attorney General's Office or any similar state agency and any health care provider facility. Respondent shall provide true and correct copies of any documents and pleadings generated by any agency or in any action;

iii) The initiation of any lawsuit pertaining to Respondent's practice of medicine and surgery;

c. Respondent shall comply with all laws pertaining to the practice of medicine and surgery in any state or jurisdiction in the United States;

d. Respondent shall cooperate with the Bureau of Professional and Occupational Affairs (Bureau), the Prosecuting Attorney's office or the Pennsylvania State Board of Medicine with regard to any requests for documents, written answers or any information within twenty days after a request is made to him. This shall not include patient records except as provided for in 63 P.S. §422.9;

e. Respondent shall sign appropriate releases for information within twenty days after a request is made to him.

3. Respondent shall comply with all terms of the New Jersey Stipulation of Settlement, however, the continuing medical education course hours in this Adjudication and Order shall be the same as those required by the New Jersey Stipulation of Settlement and not in addition to them;

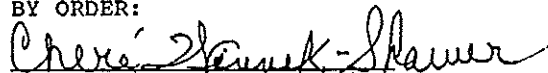
4. Respondent shall pay a civil penalty of \$1,000.00 within twenty days of the entry of this Final Order and Adjudication;

5. Respondent is permanently and forever prohibited from performing hysteroscopies, or aiding or assisting in the performance of hysteroscopies, in any state or jurisdiction in the United States. Respondent shall not keep any hysteroscope in his office;

6. Respondent shall be solely responsible for all costs in connection with the continuing medical education courses and the probation;

7. All information and documents to be submitted by Respondent pursuant to this Adjudication and Order shall be truthful and accurate.

BY ORDER:


Chere Winnek-Shawer, Ph.D., J.D.
Administrative Hearing Examiner

Respondent's Attorney: Mel Narol, Esquire
Pellettieri, Rabstein and Altman
100 Nassau Park boulevard
Suite 111
CN 5301
Princeton, NJ 08543-5301

Commonwealth's Attorney: James Holzman, Esquire
P.O.Box 2649
Harrisburg, Pennsylvania
17105-2649

Date of Mailing: 02-23-96

PROTHONOTARY

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

BUREAU OF PROFESSIONAL
OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

v.

Harvey Walter Brookman, M.D.,
Respondent

Docket No. 0001 -Misc.-95
File No. 94-49-03270

ORDER OF IMMEDIATE SUSPENSION

AND NOW, this 10th day of January, 1995, upon review of the Petition for Immediate Suspension of the license to practice medicine and surgery of Harvey Walter Brookman, M.D., license number MD-026946-E, the Probable Cause Screening Committee ("Committee") of the State Board of Medicine ("Board") by 3-0 vote, enters the following Order:

SUSPENSION ORDER

The Committee finds that probable cause has been established in each Count of the Petition that the continued practice of medicine and surgery by the Respondent presents an immediate and clear danger to the public health and safety pursuant to Section 40(a) of the Medical Practice Act of 1985, the Act of December 20, 1985, P.L. 457, as amended, ("Act"), 63 P.S. §422.40(a). It is ORDERED that the license issued to the Respondent to practice medicine and surgery in this Commonwealth is immediately SUSPENDED upon service of this Order. Respondent shall surrender his wallet card, registration certificate and wall certificate to the Prosecuting Attorney's office within forty-eight (48) hours of

service of this Order at his address on file with the Board or other location deemed appropriate by the Law Enforcement Division of the Bureau of Professional and Occupational Affairs pursuant to the Act, 63 P.S. §422.44.

PRELIMINARY HEARING

A preliminary hearing shall be conducted by the Hearing Examiner for the Board within thirty (30) days of the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a prima-facie case to support the temporary suspension of Respondent's license. The preliminary hearing shall be held at a location designated by the Hearing Examiner.

Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Hearing Examiner finds that a prima-facie case is not established, Respondent's license will be immediately restored. If a prima-facie case is established, the temporary suspension shall remain in effect until vacated by the Board but in no event no longer than 180 days unless otherwise agreed to by the Respondent.

FORMAL HEARING

Under Section 40(a) of the Act, 63 P.S. §422.40(a), action to suspend, revoke or restrict Respondent's license will be commenced by the filing of an Order to Show Cause.

Respondent is directed to respond to the Order to Show Cause by filing an Answer in writing within twenty (20) days of the date of the issuance of the Order to Show Cause. A formal hearing will

be conducted by the Board before a Hearing Examiner for the Board.

PRACTICE OF MEDICINE

Respondent shall not engage in the practice of medicine in Pennsylvania nor represent himself as a licensee of the Pennsylvania Board during the period of the temporary suspension of his license.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary in writing at least one (1) week prior to the date of the hearing. The requirement of one week advance filing of a request for continuance will be waived upon a showing of good cause. Failure to have an attorney present and a request for a continuance to obtain an attorney will not be considered as a valid reason for the granting of the continuance on the date of the hearing. A request by Respondent for an extension of time for a continuance which would delay the preliminary hearing or the formal hearing must be accompanied by the agreement of Respondent that the 180 day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.

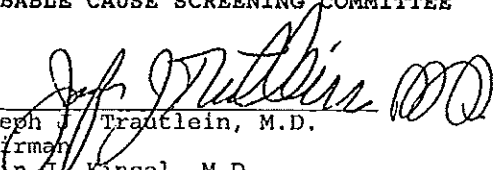
Hearings will be held in accordance with the Act. The record of the hearings will be stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the recording service at the time of the hearing.

Any document submitted in this matter must be filed with Deanna S. Walton, Prothonotary, Bureau of Professional and Occupational Affairs, 124 Pine Street, Suite 200, Harrisburg, PA

17101. Any document filed with the Prothonotary must also be served on the Prosecuting Attorneys, P. O. Box 2649, Harrisburg, PA 17105-2649.

BY ORDER:

PROBABLE CAUSE SCREENING COMMITTEE



Joseph J. Trautlein, M.D.
Chairman
Alvin J. Kinsel, M.D.
Daniel J. West, Ph.D.

Respondent's Address: 301 Oxford Valley Road
Suite 104A
Yardley, PA 19067

Respondent's Attorney: Mel Narol, Esquire
PELLETTIERI, RABSTEIN & ALTMAN
100 Nassau Park Boulevard
Suite 111-CN 5301
Princeton, NJ 08540-5301

Prosecuting Attorneys: James A. Holzman, Esquire
Roger H. Caffier, Esquire
P. O. Box 2649
Harrisburg, PA 17105-2649

Date of Issuance: 1/10/95