



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

**Board for Professional Medical Conduct**

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

C. Maynard Guest, M.D.  
Executive Secretary

August 29, 1995

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Stephen B. Edelson, M.D.  
3833 Roswell Road  
Atlanta, Georgia 30342

RE: License No. 103790

Dear Dr. Edelson:

Effective Date: 09/05/95

Enclosed please find Order #BPMC 95-190 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,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Marta Sachey, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
STEPHEN BRUCE EDELSON, M.D. : BPMC #95-190

-----X

Upon the application of STEPHEN BRUCE EDELSON, 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: 23 August 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
STEPHEN BRUCE EDELSON, M.D. : CONSENT  
: ORDER  
-----X

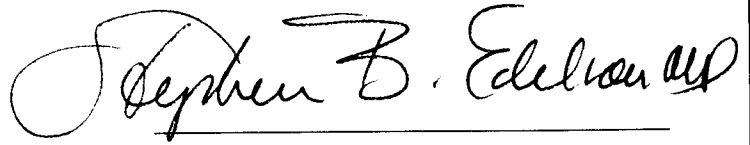
STATE OF GEORGIA )  
COUNTY OF *Fulton* ) ss.:

STEPHEN BRUCE EDELSON, M.D., being duly sworn, deposes and says:

1. I was authorized to practice medicine in New York State on July 1, 1969 by the issuance of license number 103790 by the New York State Education Department.
2. I am not currently registered with the New York State Education Department to practice medicine in New York State.
3. I understand that the New York State Board for Professional Medical conduct [hereafter "Board"] 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".

4. I admit guilt to the one specification of professional misconduct with which I am charged as set forth in the Statement of Charges.
5. I hereby agree to the following penalties:
  - (a) Censure and reprimand.
  - (b) A two year period of probation under the Terms of Probation set forth and attached hereto as "Exhibit B," which period shall begin on the effective date of the Order issued pursuant to this Application.
6. I hereby make this Application to the Board and request that it be granted.
7. 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 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.
8. 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.

9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



STEPHEN BRUCE EDELSON, M.D.  
RESPONDENT

Sworn to before me this

day of *August 15*, 1995.

  
NOTARY PUBLIC

Notary Public, Fulton County, Georgia  
My Commission Expires *March 20, 1996*

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

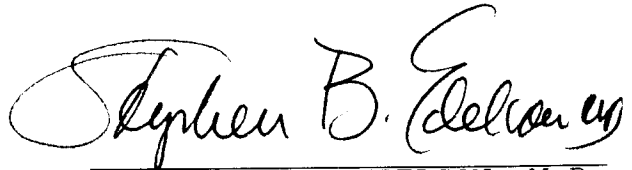
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IN THE MATTER  
OF  
STEPHEN BRUCE EDELSON, M.D.

: APPLICATION  
:  
: FOR  
: CONSENT  
: ORDER  
-----X

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

DATE:

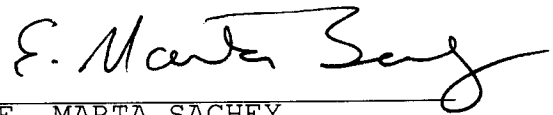
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STEPHEN BRUCE EDELSON, M.D.  
Respondent

DATE:

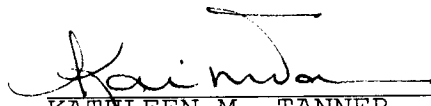
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E. MARTA SACHEY  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE:

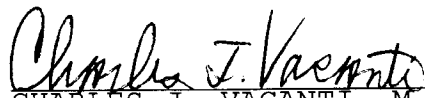
8/22/95



KATHLEEN M. TANNER  
DIRECTOR  
Office of Professional Medical  
Conduct

DATE:

23 August 1995



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

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
STEPHEN BRUCE EDELSON, M.D. : CHARGES

-----X

STEPHEN BRUCE EDELSON, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1969 by the issuance of license number 103790 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

**FACTUAL ALLEGATIONS**

1. The Georgia Composite State Board of Medical Examiners, by Order filed April 6, 1995 and issued pursuant to a Consent Order entered into with Respondent, found Respondent guilty of, inter alia, failing to document an initial physical examination in a patient's chart and failing to have adequate progress notes in another patient's chart which constituted the failure to conform to minimal standards of acceptable and prevailing medical practice in violation of O.C.G.A. 43-34-37(7) and failing to keep adequate records of controlled substances prescribed to members of his family which constituted not maintaining appropriate records

EXHIBIT A

whenever Schedule II drugs are prescribed in violation of Georgia Board Rule 360-2-.09(d).

2. The Georgia Board, inter alia, imposed a \$5,000 fine upon Respondent, reprimanded Respondent and placed Respondent on probation for two years with terms while included, among others, continuing education and maintaining a daily log of all controlled substances and prescription drugs prescribed or dispensed.
3. The conduct underlying the Georgia Board's finding of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [negligence on more than one occasion] and/or §6530(32) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient] (McKinney Supp. 1995).

#### SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct



under the laws of New York State, in that Petitioner charges the facts in Paragraphs 1 through 3.

DATED: *August 8*, 1995  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

STEPHEN BRUCE EDELSON, M.D.

1. Respondent during the period of probation shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the moral and professional standards of conduct imposed by law and by his 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 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit to OPMC, no later than the first three months of probation, 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
4. Respondent shall submit to OPMC, no later than the first two months of probation, written proof that (a) 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 medicine in New York State and does not desire to register, and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents.
5. Respondent shall comply with the terms and conditions of probation imposed upon him by the Georgia Composite State Board of Medical Examiners in its Order filed April 6, 1995, a copy of which is annexed hereto, made a part hereof, and marked as "Exhibit C."
6. Respondent, at the direction of OPMC, shall cause the Georgia Board to submit written notification to OPMC of Respondent's compliance or noncompliance with the terms and conditions of probation imposed by the Georgia Board and shall execute any releases or authorizations necessary for the Georgia Board to provide such notification.

7. In the event Respondent practices medicine in New York State before the termination of his probation in Georgia, the terms and conditions of the Georgia probation shall apply to Respondent during his practice of medicine in New York State, at the discretion of OPMC, until the end of the two year term of probation imposed by the Order issued pursuant to Respondent's Application for Consent Order.
8. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
9. Respondent, so long as there is full compliance with every term herein, may practice his 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 by the Public Health Law.

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS  
STATE OF GEORGIA

IN THE MATTER OF:

STEPHEN B. EDELSON, M.D.  
License No. 013268

Respondent.

DOCKET NO. 94-569

FILED IN OFFICE  
Joint Secretary  
State Examining Board

APR 06 1995

DOCKET NUMBER  
94-569

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and STEPHEN B. EDELSON, M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. Section 50-13-13(a)(4).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters stated herein.

2.

The Respondent admits that he prescribed Schedule II, III and IV narcotics to members of his family and prescribed non-scheduled drugs for self-use in violation of Rule 360-2.09 (g) of the Board's rules, and did not keep adequate records of such prescription practices in violation of Board Rule 360-2.09 (d).

3.

Respondent admits that one of the charts in question did not contain documentation of an initial physical examination, and the other chart in question did not have adequate progress notes which constitutes a violation of O.C.G.A. 43-34-37(7).

4.

Based upon the foregoing admissions, the Respondent waives any further findings of fact with respect to the above matter and agrees that the Board may enter this Order without the necessity of receiving evidence in support thereof. However, the Respondent shall be allowed to submit a supplemental statement for the investigative file in explanation and mitigation of the matters stated herein as part of the investigative file, for consideration by the Board prior to its review of this Consent Order.

#### CONCLUSIONS OF LAW

Respondent's admissions in the Findings of Fact constitute sufficient grounds for disciplinary action under O.C.G.A. Chs. 1 and 34, T. 43 as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

#### ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Respondent hereby agrees to the following terms of discipline:

Respondent's license shall be placed on probation for a period of two (2) years, with the following terms and conditions of probation:

(a) Respondent shall not perform chelation therapy except in treatment of documented cases of heavy metal poisoning at any location (hospital or outpatient). However, Respondent shall be permitted to perform chelation therapy in connection with formal clinical trials for which he has been approved as a clinical investigator. Any question pertaining to the interpretation of the restriction contained herein shall be directed to the Board in writing, c/o the Medical Coordinator, prior to the performance of any such procedure, and the burden of ascertaining whether any particular procedure falls within or without the scope of this restriction shall be upon the Respondent. If the Respondent shall engage in the practice of medicine in violation of this provision, his license shall be subject to further discipline, including but not limited to revocation, upon substantiation thereof. In case of a bona fide, life-threatening emergency, Respondent shall not be restricted from rendering appropriate treatment, but shall promptly submit a report documenting his treatment to the Medical Coordinator.

(b) Respondent shall submit to the Board for its approval a program of twenty (20) hours per year of continuing education approved by both the American Medical Association and the Board, which the Respondent shall complete within the probationary period

and provide documentation thereof to the Board. The requirements set forth in this sub-paragraph shall be in addition to the requirements set forth in O.C.G.A. Section 43-34-3.

(c) The Respondent shall personally maintain on a daily basis an accurate and separate log of all Schedule II, III and IV controlled substances, and prescription drugs prescribed, administered, or dispensed in his office or their generic equivalents. The log shall contain the date, drug, strength, amount, and diagnosis or reason for prescribing. Provided, further, that if such drug is prescribed, administered, or dispensed, etc. to the same patient more than once, the Respondent shall justify the continued prescribing of said drug on the patient's office clinical record. Respondent shall not prescribe any controlled substance for his personal use or for use by his family members (including parents). The Respondent's prescribing practices shall be closely monitored throughout the probationary period.

(d) Should the Drug Enforcement Administration determine after lawful proceedings that Respondent's DEA registration should be rescinded or more restricted than is outlined herein, such finding will supersede any provisions of this consent order relating to controlled substances.

(e) The Respondent shall complete the course "Appropriate Prescribing of Controlled Substances" offered by the Southern School of Pharmacy at Mercer University in Atlanta within the probationary period and provide documentation thereof to the Board.

(f) The Respondent shall in all respects comply with Board Rule 360-2-.09, relating to diagnosis, treatment and record keeping.

(g) Respondent's advertising and other written (including, but not limited to electronic and video media) statements to the public relating to his medical practice shall comply in all respects with O.C.G.A. § 43-34-37(a)(6).

(h) The Medical Coordinator or another representative of the Board shall periodically review and inspect, at any reasonable time designated by the representative, the Respondent's office, hospital or nursing home records and any required logs, as deemed necessary. The Respondent shall have the right to be present during such inspection of records, and the rights of privacy and confidentiality of patients shall be maintained. The Respondent shall be available, upon reasonable notice, for personal interviews with the Medical Coordinator or other representative of the Board. Failure of the Respondent to be reasonably available for inspection of his records or for personal interviews with a Board representative shall be considered a violation of this Consent Order.

(i) If Respondent employs a physician's assistant in his practice, Respondent shall not utilize the physician's assistant to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the physician's assistant in such a way as to circumvent any restriction, term or condition outlined herein.



(j) In the event the Respondent should leave the State of Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Respondent need not remain in Georgia during the suspension period. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period, unless otherwise authorized by the Board under such conditions as the Board deems acceptable. The Respondent shall advise the Board of any change in his practice status and address of record.

(k) The Respondent shall supply a copy of this Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Respondent, to each hospital or other institution in Georgia where Respondent currently maintains staff privileges of any kind, and to any person with whom Respondent is currently associated in practice, including other physicians or physician's assistants or to any person or entity for whom Respondent is currently employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of this Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of

a physician's assistant, or employment as a physician in the State of Georgia during the term of Respondent's probation. By executing this Consent Order, Respondent specifically consents to any such individuals or entities reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

(1) The Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, and the terms of this Consent Order and probation. If the Respondent shall fail to abide by such laws, rules or terms, or if it should appear from monitoring reports submitted to the Board that the Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement.

(m) Within 60 days from the scheduled date of termination of probation, Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has complied with all conditions of probation. The Composite State Board of Medical Examiners shall be authorized to review and evaluate the practice of the Respondent prior to lifting the probation.

At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless the Board has received information that the Respondent has not complied with the terms of the probation or has otherwise failed to comply with the laws and rules regulating the practice of medicine. Should the Board determine that reasonable cause exists for maintaining Respondent's license on probationary status, the Board shall notify Respondent of its intent to extend the probationary period, and Respondent may respond to such notice in writing or request an appearance before the Board as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

2.

Commencing with the effective date of this Order and continuing until further order of the Board, Respondent shall disclose in writing to each patient the cost of each treatment, procedure and service to be rendered and clearly state that such treatment, procedure and service may not be covered by the patient's insurance (if applicable), and if not, that the patient will be responsible for the uncovered charges. The intent of this provision is to ensure that each patient knows in advance that insurance may not cover any or all of the charges for Respondent's treatment, procedures and services and that they will be responsible for all charges not paid or reimbursed by insurance.

3.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

4.

In addition to and in conjunction with any other sanction contained herein, Respondent shall pay a fine of \$5,000, payable by certified check to the Board.

5.

Respondent, Stephen B. Edelson, M.D., acknowledges that he is represented by counsel in this matter, that he has read this Consent Order and discussed it with counsel. Respondent understands that he has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent understands that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners and docketed by the Joint Secretary. Respondent further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent further understands that this Consent Order, once approved and docketed, shall constitute a public record which may be disseminated as a disciplinary action of the Board. If this

Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms of discipline contained herein.

Approved, this 5<sup>th</sup> day of April, 1995.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

Larry E. Brightwell, MD  
LARRY E. BRIGHTWELL, M.D.  
President

[Board Seal]

ATTEST:

William G. Miller, Jr.  
WILLIAM G. MILLER, JR.  
Joint Secretary  
State Examining Boards

Consented to:

Stephen B. Edelson, MD  
STEPHEN B. EDELSON, M.D.  
Respondent

Witness of Respondent's signature:  
Sworn to and subscribed before me,  
this 2<sup>nd</sup> day of March, 1995.

Tara J. Allen  
Notary Public

My commission expires:

Notary Public, Cobb County, Georgia  
My Commission Expires May 1, 1998

Richard A. Jaffe, Esq.  
RICHARD A. JAFFE, Esq.  
Attorney for Respondent

edelson.com/4002b