

NEW YORK
state department of
HEALTH

Public

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

January 6, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Russell D. Cranston, M.D.
REDACTED

Re: License No. 136658

Dear Dr. Cranston:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 14-03. This order and any penalty provided therein goes into effect January 13, 2014.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED
Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: John J. Carlin, Esq.
Levene, Gouldin & Thompson, LLP
450 Plaza Drive
Vestal, NY 13850

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

IN THE MATTER

OF

RUSSELL CRANSTON, M.D.

CONSENT

ORDER

BPMC #: 14-03

Upon the application of RUSSELL CRANSTON, M.D., (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 1/6/2014

REDACTED

ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RUSSELL CRANSTON, M.D.
RO-12-06-3146-A

CONSENT
AGREEMENT

RUSSELL CRANSTON, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about November 3, 1978, I was licensed to practice medicine in the State of New York and issued license number 136658 by the New York State Education Department.

My current address is REDACTED and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I am not able to successfully defend against at least one of the specifications, and agree to the following sanction:

Censure and Reprimand;

I agree, further, that the Consent Order shall impose the following conditions:

Respondent shall obtain a clinical competency assessment performed by a program for such assessment as directed by the Director of OPMC. Respondent shall complete the assessment to the satisfaction of the Director of OPMC, and shall cause a written report of such assessment to be provided directly to the Director of OPMC within sixty (60) days of the effective date this Order.

- a) Respondent shall be responsible for all expenses related to the clinical competency assessment and shall provide to the Director of OPMC proof of full payment of all costs that may be charged.

At the direction of the Board and within sixty (60) days following the completion of the clinical competency assessment (CCA) the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved in writing, by the Director of OPMC. The Respondent shall cause the Preceptor to:

- a) Develop and submit to the Director of OPMC for written approval a remediation plan, which addresses the deficiencies/retraining recommendations identified in the CCA. Additionally, this proposal shall establish a timeframe for completion of the remediation program.
- b) Submit progress reports at periods identified by OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.
- c) Report immediately to the Director of OPMC if the Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by the Respondent.
- d) At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies.

Respondent shall be solely responsible for all expenses associated with these terms, including fees, if any, for the clinical competency assessment, the personalized continuing medical education program, or to the monitoring physician.

Respondent shall be responsible for completing all terms of the remediation plan and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the effective date of the Consent Order and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of New York Public Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to New York Public Health Law § 230, shall constitute professional misconduct as defined in New York Education Law § 6530(21) and New York Education Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in New York Public Health Law § 230-a, including but not limited to: Revocation or Suspension of license, Censure and Reprimand, Probation, Public Service and/or Fines up to \$10,000 per specification of misconduct found.

That Respondent shall cooperate fully with the OPMC in its administration and enforcement of the Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for

written periodic verification of Respondent's compliance with this Consent Agreement. Respondent shall meet with a person designated by the Director, OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the

Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED Dec 20, 2013

REDACTED

RUSSELL CRANSTON, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12/22, 2013

REDACTED

JOHN CARLIN, Esq.
Attorney for Respondent

DATE: 12/26, 2013

REDACTED

~~PAUL TSUI~~ MICHAEL A. NISER
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 1/2/14, 2013

REDACTED

For KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
RUSSELL CRANSTON, M.D.
RO-12-06-3146-A

STATEMENT
OF
CHARGES

RUSSELL CRANSTON, M.D., Respondent, was authorized to practice medicine in New York State on November 3, 1978, by the issuance of license number 136658 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A for glaucoma (all patients are identified in the appendix) from on or about February 22, 2008, through on or about April 2, 2012, at Twin Tiers Eye Care Associates in Corning, New York. Respondent's care and treatment of Patient A deviated from accepted standards of medical care, in that:

1. Respondent failed to perform a timely gonioscopy examination on Patient A.
2. Respondent failed to adequately interpret the results of one or more diagnostic tests or examinations.
3. Respondent failed to adequately evaluate Patient A on or about March 5, 2012, and/or failed to refer Patient A to a provider in an appropriate medical specialty.

B. Respondent treated Patient B for glaucoma from on or about May, 1980, through June 2, 2008, at Twin Tiers Eye Care Associates in Corning, New York. Patient B's condition began to worsen on or about February, 2003. Respondent's care and treatment of Patient B deviated from accepted standards of medical care, in that:

1. Respondent failed to perform a timely gonioscopy examination on Patient B.

EXHIBIT

 A

2. Respondent failed to diagnose Herpes Simplex Virus (HSV) infection in Patient B.

3. Respondent failed to timely refer Patient B to a provider in an appropriate medical specialty.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion), in that Petitioner charges:

1. The facts in Paragraphs A & A.1., A & A.2., A & A.3, B & B.1., B & B.2., and/or B. & B.3.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(5) (practicing the profession with incompetence on more than one occasion), in that Petitioner charges:

2. The facts in Paragraphs A & A.1., A & A.2., A & A.3., B & B.1., B & B.2., and/or B & B.3.

DATED: *Dec. 26*, 2013
Albany, New York

REDACTED

MICHAEL A. HISER
Acting Deputy Counsel
Bureau of Professional Medical Conduct