



Public

New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

March 16, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Edwin Currier Pound III, M.D.

Redacted Address

Re: License No. 178515

Dear Dr. Pound:

Enclosed is a copy of BPMC #10-40 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 23, 2010.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Redacted Signature

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

Enclosure

cc: Scott C. Commander, Esq.
Commander & Pound, LLP
400 Galleria Parkway, Suite 460
Atlanta, GA 30339

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

IN THE MATTER
OF
EDWIN CURRIER POUND III, M.D.

CONSENT
ORDER

BPMC No. 10-40

Upon the application of **EDWIN CURRIER POUND III, 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: 3-12-2010

Redacted Signature

KENDRICK A. SEARS, 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

CONSENT

OF

AGREEMENT

EDWIN CURRIER POUND III, M.D.
CO-09-04-2258-A

EDWIN CURRIER POUND III, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about June 29, 1989, I was licensed to practice medicine in the State of New York and issued license number 178515 by the New York State Education Department.

My current address is Redacted Address, 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, based solely on the April 2, 2009, State of Georgia, Composite State Board of Medical Examiners, Public Consent Order.

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

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a \$5,000 fine, the requirements I comply with all the terms in the Georgia Order and appear before the Director prior to practicing medicine in New York state, and that I keep my New York state license registration active.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, I do not contest Factual Allegations A and B(1) and the Second Specification, in full satisfaction of the charges against me, and:

I agree, in lieu of the settlement offered by the State of New York:

to never practice medicine in New York state
or activate my registration to practice medicine 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: 2-18-10

Redacted Signature

EDWIN CURRIER POUND III, M.D.
Respondent

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

DATE: 3-3-2010

Redacted Signature

SCOTT C. COMMANDER
Attorney for Respondent

DATE: 08 March 2010

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/12/10

Redacted Signature

KETH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
EDWIN CURRIER POUND, III, M.D.
CO-09-04-2258-A

STATEMENT
OF
CHARGES

EDWIN CURRIER POUND, III, M.D., Respondent, was authorized to practice medicine in New York state on June 29, 1989, by the issuance of license number 178515 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 2, 2009, the State of Georgia, Composite State Board of Medical Examiners (hereinafter "Georgia Board"), by a Public Consent Order (hereinafter "Georgia Order"), publicly reprimanded Respondent, imposed a \$2,000.00 fine, and placed his license on probation, with terms and conditions until terminated by a written order of the Georgia Board for not less than two (2) years, based on from on or about 1997 through 2007 providing medical care and treatment to a patient that included approximately fifteen (15) plastic surgeries to a patient and while treating that patient beginning a personal relationship with the patient that included going out for lunches and dinners, playing chess and basketball, and attending social and/or sporting events and on or about January 2006, having sexual intercourse with the patient while continuing to perform surgical procedures on the patient.

B. The conduct resulting in the Georgia Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(17) (exercising undue influence on the patient); and/or
2. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *February 3*, 2010
Albany, New York

Redacted Signature

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct