



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

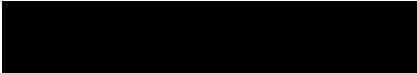
**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

May 26, 2017

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Luc Perrier, M.D.



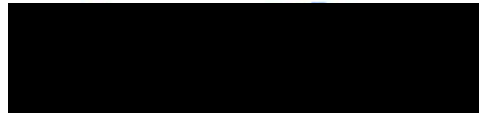
Re: License No. 214710

Dear Dr. Perrier:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-148. This order and any penalty provided therein goes into effect June 2, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Mark Dunn, Esq.  
Martin, Ganotis, Brown, Mould & Currie, P.C.  
5790 Widewaters Parkway  
Dewitt, New York 13214

IN THE MATTER  
OF  
LUC PERRIER, M.D.

CONSENT  
ORDER

Upon the application of (Respondent) LUC PERRIER, M.D. in the attached Consent Agreement and Order, which 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 transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 5/24/2017

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

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

IN THE MATTER  
OF  
LUC PERRIER, M.D.

CONSENT  
AGREEMENT

LUC PERRIER, M.D., represents that all of the following statements are true:

That on or about July 6, 1999, I was licensed to practice as a physician in the State of New York, and issued License No. 214710 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Second Specification in the Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.
- Pursuant to N.Y. Pub. Health Law § 230-a(8), I shall enroll and successfully complete Continued Medical Education programs in the areas of infection control and anger management. The programs must be approved by the Office

of Professional Medical Conduct and completed within 90 days of the effective date of this Order.

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

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That for a period of three years from the Order's effective date, subject to the tolling provisions set forth below, Respondent shall be subject to additional conditions set forth as "Practice Conditions" enumerated in Exhibit "B", which is attached to and a part of this agreement.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 8502 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 N.Y. Educ. Law § 8502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date 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 N.Y. Pub. Health Law § 2895-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 N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within

and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility.

Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this 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 Order. Respondent shall meet with a person designated by the Director of 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 this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and 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 the N.Y. Pub. 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 this 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 transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. 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, whether administratively 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 of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed 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.

DATE 5.4.2017



LUC PERRIER, M.D.  
RESPONDENT



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

DATE: 5/12/17



MARK DUNN, ESQ.  
Attorney for Respondent

DATE: 5/17/17



NATHANIAL WHITE  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 5/22/17



KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

**EXHIBIT A**

IN THE MATTER  
OF  
LUC PERRIER, M.D.

STATEMENT  
OF  
CHARGES

LUC PERRIER, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 8, 1999, by the issuance of license number 214710 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent provided care and treatment to Patient A (identified in Appendix "A"), a sixty-three-year-old female patient, on or about October 13, 2015 at Claxton-Hepburn Medical Center in Ogdensburg, NY for complaints of pain following a total knee replacement surgery. Respondent evaluated Patient A and scheduled surgery to confirm the source of the pain, initially believed to be a loose prosthesis and later identified as an infection. Respondent surgically removed Patient A's existing prosthesis and inserted a temporary knee spacer filled with antibiotics to treat the infection. Respondent utilized a non-surgical instrument to fashion Patient A's temporary spacer. Respondent's care and treatment of Patient A deviated from accepted standards of care as follows:

1. Respondent used an inappropriate non-surgical device during Patient A's surgery.
2. Respondent failed to maintain an adequate medical record for the care and treatment of Patient A.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. Paragraphs A and A.1 and A and A.2.

**SECOND SPECIFICATION**

**FAILURE TO MAINTAIN RECORDS**

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

2. Paragraph A and A.2.

*MAY 19, 2017*  
DATE: April 2017  
Albany, New York



MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

EXHIBIT "B"  
PRACTICE CONDITIONS

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined in N.Y. Educa. Law §§ 8530 or 8531 shall constitute a violation of this Order and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230.
- 2) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care with respect to these practices.
- 3) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by federal and state statutes, rules and regulations regarding controlled substances.
- 4) The Director of OPMC may review Respondent's professional performance. This review may include, but shall not be limited to: a review of office records, patient records, hospital charts and/or electronic records; and interviews or periodic visits with Respondent and staff at Respondent's practice locations, whether at those locations or at OPMC offices.
- 5) The period of Practice Conditions shall toll when Respondent is not engaged in active medical practice in New York State for 30 consecutive days or more. Respondent shall notify the Director, in writing, if Respondent is not currently engaged in or intends to leave active medical practice in New York State for 30 consecutive days or more and Respondent shall then notify the Director again at least 14 days before returning to active medical practice in New York State. Upon Respondent's return to active medical practice in New

York State, the period of Practice Conditions shall resume and Respondent shall fulfill any unfulfilled terms 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.

6) Respondent shall comply with this Order, and all its terms and Conditions, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with or violation of these terms, the Director and/or the Board may initiate a proceeding against Respondent under N.Y. Pub. Health Law § 230.

7) Within 30 days of the effective date of the Order, Respondent shall practice medicine only when supervised in his medical practice. Any medical practice in violation of this condition shall constitute the unauthorized practice of medicine. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. The practice supervisor shall be proposed by Respondent and subject to the written approval of the Director of OPMC. Within seven days of learning the approved practice supervisor is no longer willing or able to serve, Respondent shall submit the name of a proposed successor to the Director of OPMC. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities.

Respondent shall ensure that the practice supervisor is familiar with the Order and willing to report to OPMC. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

Respondent shall authorize the practice supervisor to have access to his/her patient records and to submit quarterly written reports to the Director of OPMC regarding Respondent's practice. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report.