



*New York State Board for Professional Medical Conduct*

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

Dennis P. Whalen  
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*Office of Professional Medical Conduct*  
William J. Comiskey, Chief Counsel  
*Bureau of Professional Medical Conduct*

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*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

June 23, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Francis E. Moore, Jr., M.D.  
40 Spruce Road  
Wakefield, RI 02879

15971 Catalpa Cove Drive  
Fort Myers, FL 33908

RE: License No. 086310

Dear Dr. Moore:

Enclosed please find Order #BPMC 99-135 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 23, 1999**.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: David E. Brown, Esq.  
Brown & Tarantino, LLP  
39 State Street, Suite 500  
Rochester, NY 14614

Michael McTighe, Esq.

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

IN THE MATTER  
OF  
FRANCIS E. MOORE, Jr., M.D.

CONSENT  
AGREEMENT WITH  
SURRENDER OF  
CLINICAL  
PRIVILEGES  
AND  
ORDER

BPMC #99-135

FRANCIS E. MOORE, Jr., M.D., says:

That on or about August 28, 1961, I was licensed to practice as a physician in the State of New York, having been issued License No. 086310 by the New York State Education Department.

My current address is 15971 Catalpa Cove Drive, Fort Meyers, FL 33908, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four specifications of professional misconduct as set forth in the Statement of Charges annexed hereto, made a part hereof, and marked as Exhibit "A", including a Third Specification [performing professional responsibilities which the licensee knows or has reason to know he is not competent to perform, as defined by Educ.Law Sec. 6530(24)] and a Fourth Specification [failing to maintain a medical record which accurately reflects the evaluation and treatment of the patient, as defined by Educ.Law Sec. 6530(32)]. In consideration of the Petitioner's acceptance of this application to dismiss the charges in Exhibit "A" and all matters known to Petitioner pending investigation as of the effective date of the Order, with prejudice, I hereby admit and agree not to contest the Third and Fourth Specifications in Exhibit "A", and in full satisfaction of the charges against me I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be limited pursuant to Public Health Law §230-a(3) to preclude

all clinical practice and direct patient care, treatment or contact. I shall not diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

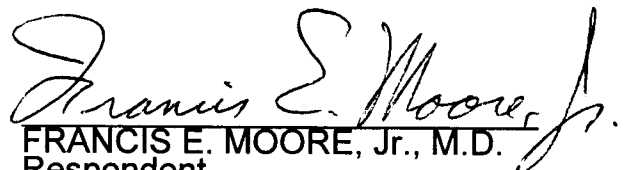
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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.

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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATE: 4 June 99

  
FRANCIS E. MOORE, Jr., M.D.  
Respondent

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

DATE: 6/7/99

  
\_\_\_\_\_  
DAVID E. BROWN, ESQ.  
Attorney for Respondent

DATE: 6/9/99

  
\_\_\_\_\_  
MICHAEL J. MCTIGHE  
Senior Attorney  
Bureau of Professional  
Medical Conduct

DATE: June 16, 1999

  
\_\_\_\_\_  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

IN THE MATTER  
OF  
FRANCIS E. MOORE, Jr., M.D.

CONSENT  
ORDER


Upon the proposed agreement of FRANCIS E. MOORE, Jr., M.D.  
(Respondent) for Consent Order, which application is made a part hereof, it is  
agreed to and

ORDERED, that the application and the provisions thereof are hereby  
adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,  
which may be accomplished by mailing, by first class mail, a copy of the Consent  
Order to Respondent at the address set forth in this agreement or to  
Respondent's attorney by certified mail, or upon transmission via facsimile to  
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 6/17/99

  
WILLIAM P. DILLON, M.D.  
Chair  
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  
FRANCIS E. MOORE, Jr., M.D. : CHARGES

-----X

FRANCIS E. MOORE, Jr., M.D., the Respondent, was authorized to practice medicine in New York State on or about August 28, 1961, by the issuance of license number 086310 by the New York State Education Department. Respondent is not currently registered to practice in New York State.

**FACTUAL ALLEGATIONS**

- A. Respondent provided intrapartum care to "Patient A" (identified in the Appendix) on May 26-27, 1990, at Our Lady of Lourdes Memorial Hospital, Binghamton, New York, where:
1. Respondent failed adequately to assess clinical indications of severe fetal stress which were evident for a period exceeding one hour prior to delivery of Patient A's baby.
  2. Respondent failed to timely place an internal FHR lead on the fetal scalp after fetal oxygenation concerns came to his attention.
  3. Respondent attended the delivery of Patient A's baby without timely arrangement for the presence and attendance of a neonatologist or pediatrician.

Exhibit "A"

4. Respondent failed to write contemporaneous notes on Patient A's labor and delivery in Patient A's medical record.

## **SPECIFICATIONS**

### **FIRST SPECIFICATION**

#### **PRACTICING WITH GROSS NEGLIGENCE ON A PARTICULAR OCCASION**

Respondent is charged with professional misconduct under N.Y.Educ.Law Sec. 6530(4) by reason of his practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges:

1. The facts in Paragraph A-1, A-2, and/or A-3..

### **SECOND SPECIFICATION**

#### **PRACTICING WITH GROSS INCOMPETENCE**

Respondent is charged with professional misconduct under N.Y.Educ.Law Sec. 6530(6) by reason of his practicing the profession of medicine with gross incompetence, in that Petitioner charges:

2. The facts in Paragraph A-1, A-2, and/or A-3.

### **THIRD SPECIFICATION**

#### **PRACTICING BEYOND SCOPE OF COMPETENCE**

Respondent is charged with professional misconduct under N.Y.Educ.Law Sec. 6530(24) by reason of his performing medical services which he knew or had reason to know he was not competent to perform, in that Petitioner charges:

3. The facts in Paragraph A-3.




**FOURTH SPECIFICATION**

**FAILING TO MAINTAIN ACCURATE MEDICAL RECORDS**

Respondent is charged with professional misconduct under N.Y.Educ.Law Sec. 6530(32) by reason of his failure to maintain a medical record which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

4. The facts in Paragraph A-4.

DATED: ~~May~~ <sup>June</sup> 10, 1999  
Albany, New York

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