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New York State Board for Professional Medical Conduct

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

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 27, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Elliot River, M.D.
1850 Funston Avenue
San Francisco, California 94116

RE: License No. 087308

Dear Dr. River:

Enclosed please find Order #BPMC 98-102 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **June 3, 1998**.

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
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: William J. Lynch, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
ELLIOT RIVER, M.D. : BMC # 98-102

-----X

ELLIOT RIVER, M.D., says:

On or about June 8, 1962, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 087308 by the New York State Education Department.

My current address is 1850 Funston Avenue, San Francisco, California 94116, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

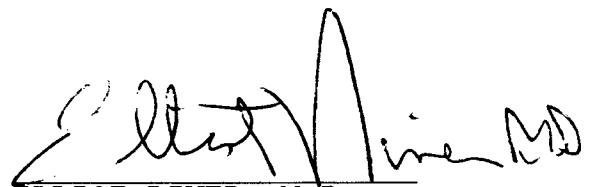
I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and two specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.


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

A handwritten signature in black ink, appearing to read "Elliot River MD". The signature is written in a cursive style with a large, prominent initial "E".

ELLIOT RIVER, M.D.
Respondent


AGREED TO:

Date: May 18, 1998



WILLIAM J. LYNCH
Senior Attorney
Bureau of Professional
Medical Conduct

Date: May 19, 1998



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of ELLIOT RIVER, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

DATED: 5/21/98

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ELLIOT RIVER, M.D. : CHARGES

-----X

ELLIOT RIVER, M.D., the Respondent, was authorized to practice medicine in New York State on June 8, 1962 by the issuance of license number 087308 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent's license to practice medicine in the State of California became subject to disciplinary action by the issuance of an Accusation of the Medical Board of California dated December 1, 1994 and a First Amended Accusation dated April 26, 1996.

2. By Stipulation for Surrender of License so ordered on September 25, 1996, Respondent surrendered his license to the Medical Board of the State of California admitting that he failed to properly diagnose and treat a patient's melanoma and that cause existed to impose discipline on his license.

3. The conduct resulting in the disciplinary action involving Respondent's license would constitute professional misconduct if committed in New York State under New York Education Law §6530(4), practicing the profession with gross negligence on a particular occasion and §6530(5), practicing the profession with incompetence on more than one occasion.

FIRST SPECIFICATION


Respondent is charged with professional misconduct under New York Education Law §6530(9)(b) (McKinney Supp. 1997) in that Respondent was found guilty of professional misconduct 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 New York Education Law §6530(4) practicing the profession with gross negligence on a particular occasion and §6530(5), practicing the profession with incompetence on more than one occasion, in that Petitioner charges the facts of paragraphs 1, 2, and 3.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law §6530(9)(d) (McKinney Supp. 1997), in that disciplinary action has been taken against Respondent's license 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 New York Education Law §6530(4), practicing the

profession with gross negligence on a particular occasion and §6530(5), practicing the profession with incompetence on more than one occasion, in that Petitioner charges the facts of paragraphs 1, 2, and 3.

DATED: *May 18*, 1998
Albany, New York


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