



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

October 2, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Elton Rock, M.D.
56 Old Orchard
Williamsville, New York 14221

RE: License No. 090932

Dear Dr. Rock:

Effective Date: 10/09/95

Enclosed please find Order #BPMC 95-234 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chairman
Board for Professional Medical Conduct

Enclosure

cc: Catherine Cholakis, Esq.

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

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IN THE MATTER :
OF : ORDER
ELTON M. ROCK, M.D. : BPMC#95-234

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Upon the Application of ELTON M. ROCK, M.D. to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

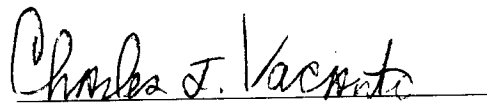
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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.

SO ORDERED,

DATED: 27 September 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
ELTON M. ROCK, M.D. : LICENSE

-----X

STATE OF NEW YORK)

SS.:

COUNTY OF ERIE)

ELTON M. ROCK, being duly sworn, deposes and says:

1. On or about August 6, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 090932 by the New York State Education Department.
2. I understand that I have been charged with sixteen Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".
3. I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the Fifteenth Specification which alleges my failure to maintain a record which

accurately reflects the evaluation and treatment of the patient in violation of N.Y. Education Law §6530(32) in full satisfaction of the charges against me.

4. I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

5. I understand that, in the event that the application 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 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 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.

6. I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

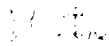
7. I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



ELTON M. ROCK, M.D.
Respondent

Sworn to before me this
day of

, 1995



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

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IN THE MATTER : APPLICATION TO
OF : SURRENDER
ELTON M. ROCK, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: September 12, 1995

Elton M. Rock
ELTON M. ROCK, M.D.
Respondent

Date: September 12 1995

Catherine Cholakis
CATHERINE CHOLAKIS
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Sept 22, 1995

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 27 September, 1995

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson, 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
ELTON M. ROCK, M.D. : CHARGES

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ELTON M. ROCK, M.D., the Respondent, was authorized to practice medicine in New York State on August 6, 1963 by the issuance of license number 090932 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993, through December 31, 1994, with a registration address of 2121 Main Street, Buffalo, New York 14214.

FACTUAL ALLEGATIONS

- A. Respondent, during a period beginning on or about October 1, 1992 through approximately October 12, 1993, treated Patient A [all patients are identified in the attached Appendix] in his office at 2121 Main Street, Buffalo, New York [hereinafter "his office"], for chronic recurrent pancreatitis. Respondent's care and treatment of Patient A failed to meet acceptable standards of care, in that:
1. Respondent prescribed controlled substances for Patient A, including Morphine Sulfate, Valium,

Percocet, Lortabs and Dilaudid, without adequate medical justification.

2. Respondent failed to refer Patient A for appropriate alternative treatment and/or evaluations such as a pain specialist, psychological evaluation and/or drug/alcohol evaluation and/or rehabilitation.
3. Respondent, repeatedly and inappropriately, prescribed Valium to Patient A despite evidence that Patient A had an alcohol addiction.
4. Respondent repeatedly and/or inappropriately prescribed controlled substances to Patient A, a person he knew, or should have known was a substance abuser.
5. Respondent wrote prescriptions for #160 10mg Valium and #160 Ms-Contin capsules for Patient A, within days of Patient A's discharge from a detoxification program for abuse of controlled substances.

B. Respondent, during a period beginning on or about March 15, 1976 and continuing through approximately October 7, 1993, treated Patient B in his office for Crohn's Disease. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent prescribed controlled substance for Patient B including Dalmane, Nembutal and Valium despite the possible side effects from long term usage and/or without adequate medical justification and/or without recording adequate medical justification.
2. Respondent repeatedly and inappropriately prescribed controlled substances for Patient B without referring Patient B for counseling and/or to a pain specialist and/or other appropriate specialist.
3. Respondent repeatedly prescribed controlled substances for Patient B without informing Patient B, and/or recording such discussion with Patient

B, as to the risks of such therapy over a long period of time.

C. Respondent, during a period beginning March 10, 1971 and continuing through November 11, 1994, treated Patient C in his office for increased blood pressure and stroke. Respondent's care and treatment of Patient C failed to meet acceptable standards of care in that:

1. Respondent prescribed controlled substances for Patient C, including Percodan, Valium, Dalmane and Naludar, without adequate medical justification and/or without recording adequate medical justification.
2. Respondent repeatedly prescribed controlled substances for Patient C without informing Patient C, and/or recording such discussion with Patient C, as to the risks of such therapy of a long period of time.
3. Respondent treated Patient C for dizziness, lightheadedness, loss of balance and feeling weak without any comment and/or consideration that said symptoms could have been the result of the aforementioned prescriptions.

D. Respondent, during a period beginning on or about May 21, 1971 and continuing through approximately July 7, 1993, treated Patient D in his office for peptic ulcer disease. Respondent's care and treatment of Patient D failed to meet acceptable standards of care, in that:

1. Respondent failed to perform and/or record an adequate physical examination.
2. Respondent prescribed controlled substances for Patient D, including Seconal and Percodan, without adequate medical justification and/or recording adequate medical justification for such prescriptions.
3. Respondent failed to refer Patient D for appropriate alternative treatment and/or

evaluations such as a pain specialist, psychological evaluation and/or other appropriate specialist.

E. Respondent, during a period beginning on or about February 5, 1975 and continuing through approximately July 7, 1993, treated Patient E in his office for menometrorrhagia. Respondent's care and treatment of Patient E failed to meet acceptable standards of care, in that:

1. Respondent prescribed controlled substances for Patient E including Valium and Dalmane without adequate medical justification and/or without recording adequate medical justification.
2. Respondent repeatedly prescribed controlled substances for Patient E without informing Patient E, and/or recording such discussion with Patient E, as to the risks of such therapy over a long period of time.
3. Respondent repeatedly and/or inappropriately gave Patient E injections of B-12 without adequate medical justification and/or recording adequate medical justifications for such treatment.

F. Respondent, during a period beginning on or about February 8, 1990 and continuing through approximately November 9, 1993, treated Patient F in his office for Crohn's disease. Respondent's care and treatment of Patient F failed to meet acceptable standards of care, in that:

1. Respondent prescribed controlled substances and narcotics for Patient F without adequate medical justification and/or without recording adequate medical justification for such treatment.
2. Respondent repeatedly prescribed controlled substances and narcotics for Patient F without

informing Patient F, and/or recording such discussion with Patient F, as to the risks of such therapy over a long period of time.

3. Respondent repeatedly and/or inappropriately prescribed controlled substances and narcotics for Patient F without referring Patient F for counseling and/or to a pain specialist and/or other appropriate specialist.

SPECIFICATIONS OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of N.Y. Educ. Law §6530(4) (McKinney Supp. 1994) in that, Petitioner charges:

1. The facts in paragraphs A and A.1, A.2, A.3, A.4 and/or A.5.
2. The facts in paragraphs B and B.1, B.2 and/or B.3.
3. The facts in paragraphs C and C.1, C.2 and/or C.3.
4. The facts in paragraphs D and D.1, D.2 and/or D.3.
5. The facts in paragraphs E and E.1, E.2 and/or E.3.
6. The facts in paragraphs F and F.1, F.2 and/or F.3.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross negligence in violation of N.Y. Educ. Law §6530(6) (McKinney Supp. 1994) in that, Petitioner charges:

7. The facts in paragraphs A and A.1, A.2, A.3, A.4 and/or A.5.

8. The facts in paragraphs B and B.1, B.2 and/or B.3.
9. The facts in paragraphs C and C.1, C.2 and/or C.3.
10. The facts in paragraphs D and D.1, D.2 and/or D.3.
11. The facts in paragraphs E and E.1, E.2 and/or E.3.
12. The facts in paragraphs F and F.1, F.2 and/or F.3.

THIRTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

13. The facts in paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3; C and C.1, C.2, C.3; D and D.1, D.2, D.3; E and E.1, E.2, E.3; F and F.1, F.2, F.3.

FOURTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

14. The facts in paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3; C and C.1, C.2, C.3; D and D.1, D.2, D.3; E and E.1, E.2, E.3; F and F.1, F.2, F.3.

FIFTEENTH SPECIFICATION

FAILING TO MAINTAIN RECORDS

Respondent is charged with failing to maintain records which accurately reflects the evaluation and treatment of the patient in violation of N.Y. Educ. Law §6530(32) (McKinney Supp 1994) in that Petitioner charges:

15. The facts in Paragraphs B and B.1, C.1, C.2, D and D.1, D.2, E and E.1, E.2, E.3 and/or F and F.1, F.2.

SIXTEENTH SPECIFICATION

ORDERING TREATMENT NOT WARRANTED

Respondent is charged with ordering excessive treatment not warranted by the condition of the patient in violation of N.Y. Educ. Law §6530(35) (McKinney Supp. 1994) in that, petitioner charges:

16. The facts in paragraphs A and A.1, A.3, A.4, A.5; B and B.1; C and C.1; D and D.2; E and E.1, E.3; and/or F and F.1.

DATED: , 1994
Albany, New York

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