



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

July 24, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Charles P. Buckley, Jr., M.D.
1404 Sante Fe Drive
Iowa City, Iowa 52240

RE: License No. 124026

Dear Dr. Buckley:

Enclosed please find Order #BPMC 97-179 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
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: Barry A. Gold, Esq.
Thuillez, Ford, Gold & Connolly
90 State Street, Suite 1500
Albany, New York 12207-1715

Thomas K. O'Malley, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
CHARLES P. BUCKLEY JR., M.D. : AND ORDER
: BPMC # 97-179

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STATE OF IOWA)
) ss:
COUNTY OF JOHNSTON)

CHARLES P. BUCKLEY JR., M.D., says:

On or about July 1, 1975, I was licensed to practice as a physician in the State of New York, having been issued license number 124026 by the New York State Education Department.

My current address is 1404 Sante Fe Drive, Iowa City, Iowa 52240 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 One Specification of professional misconduct as set forth in the Statement of Charges, annexed hereto and made a part hereof a Exhibit A.

I admit guilt to the Statement of Charges specification in full satisfaction of the charges against me.

I hereby agree to the penalty of a 4 month suspension and a three (3) year probation as more fully described in the Terms of Probation, annexed hereto and made a part hereof as Exhibit B.

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

I agree that, as a condition of this Order, I will 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 will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning one hundred twenty (120) days after the effective date of this Order and will continue 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 understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that as a condition of this Order I shall fully comply with the Board of Medical Examiners of the State of Iowa's Informal Settlement dated May 1, 1996, and any extension or modification thereof.

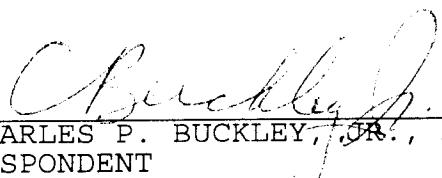
I hereby make this Application to the State Board for Professional Medical Conduct (State Board) and request that it be granted.

I understand that, in the event that the Board does not grant this application, 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

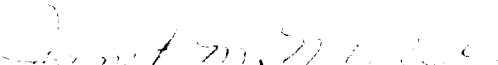
during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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


CHARLES P. BUCKLEY, JR., M.D.
RESPONDENT

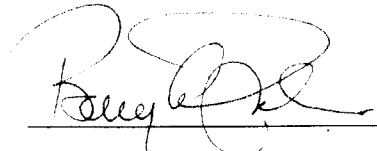
Subscribed before me this
16th day of June, 1997.


NOTARY PUBLIC




AGREED TO:

DATE: June 27, 1997



_____, ESQ.
Attorney for Respondent

DATE: July 10, 1997



THOMAS K. O'MALLEY
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: July 15, 1997



ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of CHARLES P. BUCKLEY, JR., M.D. for Consent Order, 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; and 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 by certified mail, whichever is earliest.

DATED: July 22 1977

Patrick F. Carone, M.D.

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

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

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IN THE MATTER : STATEMENT
OF : OF
CHARLES P. BUCKLEY JR., M.D. : CHARGES

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CHARLES P. BUCKLEY JR., M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1975 by the issuance of license number 124026 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State his registration having expired on July 31, 1996.

FACTUAL ALLEGATIONS

1. On May 1, 1996, Respondent entered into an Informal Settlement with the Board of Medical Examiners of the State of Iowa. The Board of Medical Examiners of the state of Iowa accused Respondent of, among other things, unprofessional conduct, practicing the profession fraudulently, knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his profession, and professional incompetency. During the period from May, 1988 through June, 1991, Respondent signed and submitted Medicaid and Medicare claim forms certifying that he performed psychotherapy services when in actuality these services were not performed.

2. The Respondent, in his capacity as sole director, officer and share holder of his medical corporation admitted personal responsibility for the above reference fraudulent billings made by the corporation from May 1988 through June 1991, which resulted in a criminal conviction of said corporation.

3. On May 16, 1996, Respondent's license to practice medicine in the State of Iowa was suspended for four months by the Board of Medical Examiners of the State of Iowa. Following expiration of the suspension, Respondent's license was further placed on probation for three years under terms and conditions as set forth in the Board of Medical Examiners in the State of Iowa's informal settlement order.

4. The conduct upon which the Board of Medical Examiners of the State of Iowa imposed disciplinary action upon Respondent would, if committed in New York state, constitute professional misconduct under N.Y. Educ. Law §6530(2) [practicing the profession fraudulently] (McKinney Supp. 1997).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1997) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license 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 1, 2, and/or 3.

DATED: *July 10*, 1997
Albany, New York

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

EXHIBIT "B"

TERMS OF PROBATION

1. Charles P. Buckley Jr., M.D. (hereinafter Respondent) shall conduct himself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action;
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. Respondent shall fully comply with the Board of Medical Examiners of the State of Iowa's Informal Settlement dated May 1, 1996, and approved by the Board on May 16, 1996, and any extension or modification thereof.
6. Respondent shall provide a written authorization for the Board of Medical Examiners of the State of Iowa, to provide to the Director of OPMC with any and all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the State of Iowa's Informal Settlement Order.
7. Respondent shall submit semi-annually, a signed compliance declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance

with the Iowa State Board of Medical Examiners Informal Settlement Order during the declaration period specified.

8. The following terms of probation (namely paragraphs numbered 9,10,11,&12) shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
9. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
10. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
11. Respondent shall be restricted from supervising a P.A. (physician assistant) during the period of his probation.
12. Respondent shall be restricted from employing any family member in his medical practice.
13. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.