



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

New York State Board for Professional Medical Conduct

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

PUBLIC
June 18, 1997

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

VIA FACSIMILE TRANSMISSION

Michael Kelton, Esq.
Lippman, Krasnow & Kelton
711 Third Avenue
New York, New York 10017-4059

RE: Francis M. Ricca, M.D.
License No. 131726

Dear Mr. Kelton:

Enclosed please find Order #BPMC 97-142 of the New York State Board for Professional Medical Conduct. As Dr. Ricca's Counsel, you agreed to accept service on his behalf via facsimile transmission. This Order and any penalty provided therein goes into effect upon facsimile transmission of this letter to your office by June 18, 1997.

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: Francis M. Ricca, M.D.
Apartment 1D
221 West 82nd Street
New York, New York 10024

Roy Nemerson, Esq.

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

**IN THE MATTER
OF
FRANCIS MARTIN RICCA, M.D.**

**SURRENDER
ORDER
BPMC #97-142**

Upon the proposed agreement of FRANCIS MARTIN RICCA, M.D. (Respondent) to Surrender his/her 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 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: June 17, 1997

Patrick F. Carone, M.D.
PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

- do not contest the specification, to the extent of the prescriptions issued to Patients C.G., A.L. and P.T.; or

RN
with
sur

~~● cannot successfully defend against the specification, to the extent of the prescriptions issued to Patients C.G., A.L. and P.T.~~

in full satisfaction of the Statement of Charges.

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

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.

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.

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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Francis Martin Ricca M.D.
FRANCIS MARTIN RICCA, M.D.
Respondent

Sworn to before me this

13th day of June, 1997

Michael S. O'Neil
NOTARY PUBLIC

MICHAEL S. KILTON
Notary Public, State of New York
No. 44-0000000
Qualified in Westchester County
Commission Expires September 27, 1998

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

Date: 6/13/97



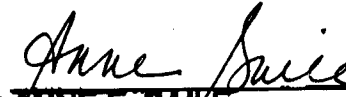
MICHAEL KELTON, Esq.
Attorney for Respondent

Date: 6/13/97



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Date: 6/17/97



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 MARTIN RICCA, M.D.**

**STATEMENT
OF
CHARGES**

FRANCIS MARTIN RICCA, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1977, by the issuance of license number 131726 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between approximately October of 1994 and April of 1996, Respondent issued prescriptions in the names of the patients set forth in Appendix A for controlled substances including Seconal, Tuinal, Xanax. These prescriptions were purportedly, but not in fact issued for a proper medical purposes in the *bona fide* medical treatment of those patients.

SPECIFICATION OF CHARGES

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A.

DATED: April 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT A