



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

June 23, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey Winfield, M.D.
100 Windsor Place
Syracuse, New York 13210

RE: License No. 163237

Dear Dr. Winfield:

Enclosed please find Order #BPMC 97-151 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: Daniel S. Jonas, Esq.
Harter, Secrest & Emery
431 East Fayette Street
Syracuse, New York 13202-1919

Peter D. Van Buren, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH

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

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IN THE MATTER : CONSENT
OF : ORDER
JEFFREY A. WINFIELD, M.D., PH.D. : BPMC # 97-151

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STATE OF NEW YORK)
 ss.:
COUNTY OF ONONDAGA)

 JEFFREY A. WINFIELD, M.D., PH.D. being duly sworn,
deposes and says:

 That on or about July 15, 1985, I was licensed to practice
as a physician in the State of New York, having been issued
License No. 163237 by the New York State Education Department.

 I am currently registered with the New York State Education
Department to practice as a physician in the State of New York
for the period January 1, 1997 through December 31, 1998. My
current home address is 100 Windsor Place, Syracuse, New York
13210.

 I understand that the New York State Board for Professional
Medical Conduct has charged me with one specification of
professional misconduct.

 A copy of the Statement of Charges is annexed hereto, made a
part hereof, and marked as Exhibit "A".

 I do not contest the First Specification.

 I hereby agree to the following penalties;

1. My license to practice medicine shall be suspended for a period of five years with the suspension being stayed subject to my compliance with the attached monitoring conditions annexed hereto as Exhibit B.

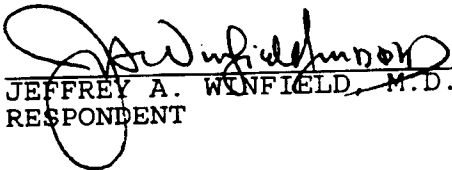
I agree that in the event that I am charged with professional misconduct based on conduct other than that involving employees of the State University of New York Health Science Center, this Consent Order and the Statement of Charges herein shall be admissible into evidence in said proceeding.

I hereby present my proposed agreement to the State Board for Professional Medical Conduct (the Board) and request that a Consent Order be issued.

I understand that, in the event that the Board does not agree to issue a Consent Order, 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 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 that my proposed agreement is acceptable to the Board, this Order of the Chairperson of the Board shall be issued in accordance with same.

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


JEFFREY A. WINFIELD, M.D., PH.D.
RESPONDENT

Sworn to before me this


3rd day of June, 1997.

Ashley E. Duvall (Hayes)
NOTARY PUBLIC

ASHLEY E. DUVALL
Notary Public, State of New York
Qualified in Onondaga County

AGREED TO: Commission Expires Dec. 11, 1997

DATE: June 5, 1997


DANIEL S. JONAS, ESQ.
of Counsel,
Harter, Secrest and Emery
Attorney for Respondent

DATE: June 10, 1997

Peter D. Van Buren
PETER D. VAN BUREN
DEPUTY COUNSEL
Bureau of Professional
Medical Conduct

DATE: June 12, 1997

Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of JEFFREY A. WINFIELD, M.D., PH.D. (Respondent) 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: June 7, 1997

Patrick F. Carone
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
JEFFREY A. WINFIELD, M.D., PH.D. : CHARGES

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JEFFREY A. WINFIELD, M.D., PH.D., the Respondent, was authorized to practice medicine in New York State on July 15, 1985, by the issuance of license number 163237 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, 1997, through December 31, 1998, with a home registration address of 100 Windsor Place, Syracuse, New York 13210.

FACTUAL ALLEGATIONS

A. On or about and between 1989 and 1995, Respondent was employed as a pediatric neurosurgeon at the State University of New York Health Science Center, Syracuse, New York. While so employed, between the years of 1989 and 1993, he sexually harassed employees of the Neurosurgery Department including Employee A, B, C, D, and/or E with inappropriate behavior and speech.

EXHIBIT A

FIRST SPECIFICATION

MORAL UNFITNESS

Respondent is charged with professional misconduct by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine within the meaning of N.Y. Educ. Law §6530(20) in that, the Petitioner charges:

1. The allegations in Paragraph A.

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

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

EXHIBIT "B"

MONITORING CONDITIONS

JEFFREY A. WINFIELD, M.D., PH.D.

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession;
2. Respondent shall, during the period of suspension, stayed as stated above, and monitoring conditions imposed by this order, submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, 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 verifications 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. The period of suspension, stayed as stated above, and monitoring conditions 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 suspension, stayed as stated above, shall resume and any monitoring conditions which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

6. 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. Respondent also agrees to implement a Practice Monitoring Program substantially similar in scope to the one outlined in, and appended to, the February 12, 1997 letter from Dr. Abel of the Behavioral Medicine Institute of Atlanta that is previously approved, in writing, by the Director of OPMC. Respondent shall remain active in self help groups such as, but not limited to, Caduceus.
7. 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.
8. Respondent shall engage in ongoing counselling or other therapy for five (5) years by a therapist. Said therapist shall be proposed by the Respondent and approved, in writing, by the Director of OPMC. The therapist shall report immediately to OPMC if Respondent should drop out of treatment. Said treatment provider shall not be a personal friend.
9. Respondent shall obtain and fully cooperate with a sobriety monitor for a period of five (5) years. Said sobriety monitor shall be proposed by the Respondent and approved, in writing, by the Director of OPMC. The sobriety monitor shall obtain unannounced urine, blood, and/or breath tests for the presence of drugs and/or alcohol. The sobriety monitor shall immediately report any refused or positive test reports to OPMC. Said monitor shall not be a personal friend.
10. Respondent shall obtain and fully cooperate with a behavior practice monitor for a period of five (5) years. Said behavior monitor shall be proposed by the Respondent and approved, in writing, by the Director of OPMC. The behavior practice monitor shall be fully aware of the nature of the charges alleged against the Respondent. Said monitor shall not be a personal friend. The Director of OPMC and said practice monitor shall have full access to the information collected in the practice monitoring program referred to in condition 6 above.
11. Respondent agrees that each of the required monitors and all treatment providers must be willing to cooperate with OPMC in making reports as requested by OPMC for five (5) years. Each required monitor shall submit to OPMC quarterly progress reports either detailing compliance or noncompliance with treatment recommendations. Additionally, all required monitors and treatment providers shall complete

a comprehensive annual evaluation for each of the five (5) years; said report shall be provided to OPMC within thirty (30) days of completion.

12. Respondent will execute waivers of patient confidentiality, concerning previous and prospective treatment records relating to Respondent's treatment, if any, for illness, substance, dependency, and/or counselling for behavioral matters.
13. Respondent shall attend, participate in, and cooperate with all interviews with OPMC staff upon request of the Director of OPMC.
14. 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 monitoring conditions, or this Order, the Director of OPMC and/or the Board may initiate a professional misconduct proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.