



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

FOR EXECUTIVE SESSION

TO: Members of the Committee on Professional Practice
FROM: Johanna Duncan-Pottier
DATE: February 10, 2003
ITEM: PPC EXS (A) 3
AMENDED PROBATIONARY TERMS FOR THE RESTORATION OF
EDWARD BIRDSONG'S PHYSICIAN LICENSE

Attached for your consideration and approval are amended Terms of Probation of the Committee on the Professions (Exhibit "B") for the restoration of the physician license of Edward Birdsong. The Committee on the Professions considered the responses submitted by Dr. Birdsong's attorney, William Wood, Jr., to its report and has revised the probationary terms to clarify the intent of the Committee.

VOTED: That the Board of Regents substitute Exhibit "B" for Exhibit "A" as the Terms of Probation associated with the restoration of Edward Birdsong's license to practice medicine in New York State.

EXHIBIT "B"**TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS****EDWARD BIRDSONG**

1. That the applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing the applicant's profession;
2. That the applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Suite 303, 4th Floor, Hedley Park Place, 433 River Street, Troy, NY 12180-2299, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in the applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That the applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that the applicant has paid all registration fees due and owing to the NYSED and the applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by the applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
4. That the applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) the applicant is currently registered with the NYSED, unless the applicant submits written proof that the applicant has advised DPLS, NYSED, that the applicant is not engaging in the practice of the applicant's profession in the State of New York and does not desire to register, and that 2) the applicant has paid any fines which may have previously been imposed upon the applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
5. That the applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring the applicant's terms of probation to assure compliance therewith, and the applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;

6. That during the period of probation the applicant shall be specifically restricted from assignment as a physician responsible for the treatment of patients appearing at the emergency room or emergency department of a hospital but could be permitted to provide ongoing treatment to his existing patients who may require the services of an emergency room or emergency department in a hospital at some point in the future;
7. That the period of probation shall commence upon his practice of medicine in New York State; and
8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.