



New York State 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 of Health

Charles J. Vacanti, M.D.
Chair

October 31, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Frank S. Murphy, D.O.
755 ½ Dudley Drive
Shreveport, Louisiana 71104

RE: License No. 188414

Dear Dr. Murphy:

Effective Date: 11/07/95

Enclosed please find Order #BPMC 95-247 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.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Daniel Guenzburger, Esq.

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

**IN THE MATTER
OF
FRANK STUART MURPHY, D.O.**

**CONSENT
ORDER**

BPMC #95-247

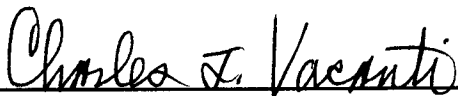
Upon the application of FRANK STUART MURPHY, D.O. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED.

DATED: 24 October 1995



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

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

IN THE MATTER
OF
FRANK STUART MURPHY, D.O.

APPLICATION
FOR
CONSENT ORDER

STATE OF LOUISIANA)
COUNTY OF) ss.:

FRANK STUART MURPHY, D.O., being duly sworn, deposes and says:

That on or about February 19, 1992, I was licensed to practice as a physician in the State of New York, having been issued License No. 188414 by the New York State Education Department.

My current address is 755 1/2 Dudley Drive, Shreveport, Louisiana 71104 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.

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

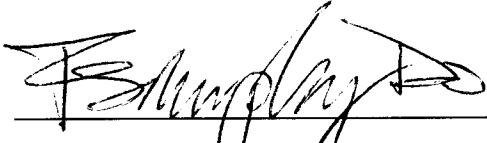
I admit guilt to the one specification, in full satisfaction of the charges against me. I hereby agree to 5 years suspension, stayed, with the terms of probation annexed hereto as Exhibit B. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York.

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

I understand that, in the event that this Application is not granted by the Board, 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, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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


FRANK STUART MURPHY, M.D.
RESPONDENT

Sworn to before me this
9th day of October, 1995


NOTARY PUBLIC

SARAH J. G. MILLER
Notary Public, Caddo Parish, LA
My Commission Is For Life

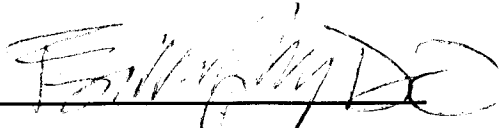
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
FRANK STUART MURPHY, M.D. *D.O.*


APPLICATION
FOR
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

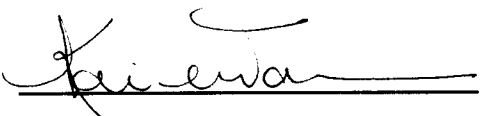
DATE: 10/10/95


FRANK STUART MURPHY, M.D.
Respondent

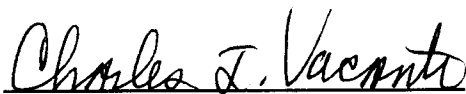
DATE: 10/16/95


DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: Oct. 20, 1995


KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 24 October 1995


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

"EXHIBIT A"

IN THE MATTER
OF
FRANK STUART MURPHY, D.O.

STATEMENT
OF
CHARGES

FRANK STUART MURPHY, DO., the Respondent, was authorized to practice medicine in New York State on or about February 19, 1992, by the issuance of license number 188414 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 15, 1994, the Respondent entered into an Agreed Order with the Texas State Board of Medical Examiners ("Board") in which he admitted to violating the Texas Medical Practice Act §3.08(3) (1992). This statute authorizes the Board to discipline a licensed Texas physician based on intemperate use of drugs or alcohol.

The Board found that Respondent had an extended history of polysubstance abuse dating back to when he was in college. The Board placed the Respondent on ten years probation, which includes that during the period of probation he abstain from the consumption of alcohol or drugs, submit to random alcohol and drug screening, surrender his DEA permit, receive psychiatric treatment and participate in Alcoholics Anonymous..

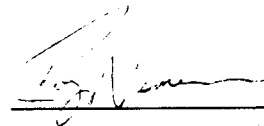
SPECIFICATION OF CHARGES

**SPECIFICATION
HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1995) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under N.Y. Educ. Law § 6530 (8) (Mckinney Supp. 1995) (Habitual use of drugs and alcohol) as alleged in the facts of the following:

1. Paragraph A.

DATED: August 30, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. Frank Stuart Murphy, D.O., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct 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, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent 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 Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. The Respondent will remain drug/alcohol free.

8. The Respondent will be monitored by a qualified health care professional selected by Respondent, and approved by the Director of Professional Medical Conduct. Monitoring is to ensure continued abstinence from drugs/alcohol and to ensure consistent compliance in both professional and personal life with all recommendations of the Respondent's treatment program, aftercare contract, therapist, and/or probationary terms in this Order including but not limited to those terms addressing the issues of recovery. Respondent shall submit the name of a proposed successor within seven (7) days of learning that his approved monitor is no longer willing or able to serve.
9. This monitor will not be a close personal friend, relative, or business associate of the Respondent. The Respondent will authorize the monitoring physician to supervise Respondent's compliance with the probationary terms set forth in the Order.
10. The Respondent will ensure that the monitoring physician is familiar with Respondent's history of drugs/alcohol abuse, and with all terms of this probation.
11. The Respondent will meet with the monitoring physician on a regular basis.
12. The respondent will submit to random, unannounced observed screens of blood and/or urine for the presence of drugs/alcohol at the direction of the monitoring physician, who will report to the Office of Professional Medical Conduct immediately if a test is refused by Respondent or a test is positive for any unauthorized substance. This monitoring will be on a seven-day a week, twenty-four hour a day basis.
13. The Respondent will authorize the monitoring physician to submit to the Office of Professional Medical Conduct any deviation from compliance with the terms of probation.
14. The Respondent will authorize the monitoring physician to submit to the Office of Professional Medical Conduct quarterly reports certifying Respondent's compliance with the terms of probation. Respondent's failure to comply with any of the terms of probation must be immediately reported to the Office of Professional Medical Conduct. The reports will include the results of all body fluid test for drugs/alcohol performed during the quarter, with copies of any toxicology reports.
15. Respondent will practice only in a supervised setting (and/or) will be supervised in his medical practice by a licensed physician, board certified in an appropriately specialty.
16. Respondent will ensure that the supervising physician is familiar with Respondent's history and with the terms of probation.
17. Respondent will ensure that the supervising physician is in a position to regularly observe and assess Respondent's medical practice.
18. The Respondent will authorize the supervising physician to direct Respondent's submission to unannounced tests of blood and/or urine for the presence of drugs and to immediately report to the Office of Professional Medical Conduct if at any time such a test is refused by Respondent, or if at any time such body fluid test shows a positive result for any controlled substance.

19. The Respondent will authorize the supervising physician to submit to the Office of Professional Medical Conduct quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work, and certifying Respondent's compliance or detailing any failure to comply with each term of probation.
20. The supervisor physician shall review Respondent's prescribing, administering, dispensing, inventorying, and wasting of controlled substance.
21. The supervisor shall notify the OPMC immediately if Respondent violates any terms of this Order.
22. Respondent will continue in counselling or other therapy as long as is necessary as determined by the treating health care professional or program.
23. The Respondent shall authorize Respondent's treating health care professional or program to:
 - a. Submit to the Office of Professional Medical Conduct quarterly reports certifying compliance with the treatment plan;
 - b. Report to the Office of Professional Medical Conduct immediately if Respondent leaves treatment against medical advise;
 - c. Report to the Office of Professional Medical Conduct any significant pattern of absences.
24. Respondent will remain active in self help groups, including but not limited to Narcotics Anonymous, Alcoholic Anonymous and Cadeuceus.
25. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
26. The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he/she is so engaged. Furthermore, until completion of the term of probation, he/she shall notify the Director, in writing, prior to any change in that status.