



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

September 16, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alan Dockeray, M.D.
101 Ellwood Avenue
Mount Vernon, New York 10550

RE: License No. 144793

Dear Dr. Dockeray:

Effective Date: 09/23/96

Enclosed please find Order #BPMC 96-208 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: Robert Asher, Esq.
295 Madison Avenue
Suite 700
New York, New York 10017

Karen Carlson, Esq.

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

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IN THE MATTER :
OF : ORDER
ALAN DOCKERAY, M.D. : BPMC #96-208

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Upon the application of Alan Dockeray, M.D. (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: 12 September 1996

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
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 : APPLICATION
OF : FOR
ALAN DOCKERAY, M.D. : CONSENT
: ORDER

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

Alan Dockeray, M.D., being duly sworn, deposes and says:

I was licensed to practice as a physician in the State of New York, having been issued License No. 144793 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, 1995 through July 31, 1997.

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

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

I hereby do not contest the charges against me.

I hereby agree to the penalty of a one year suspension of my license, such suspension to be stayed, and a one year term of probation to be served concurrently with the period of stayed

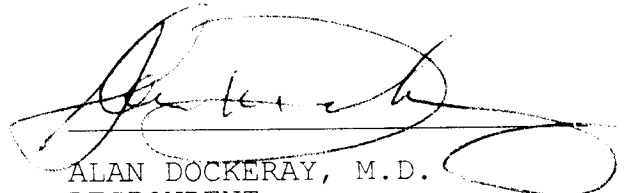
suspension.

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.


ALAN DOCKERAY, M.D.
RESPONDENT

Sworn to before me this

26th day of April 1996, 1996.


NOTARY PUBLIC

STATE OF NEW YORK
COUNTY OF NEW YORK
NOTARY PUBLIC
OFFICE 111 W. 42nd St. N.Y.C. 10018

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

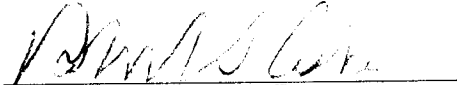
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IN THE MATTER : APPLICATION
OF : FOR
ALAN DOCKERAY, M.D. : CONSENT
: ORDER

-----X

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

DATE: August 25, 1996 
Alan Dockeray, M.D.
Respondent

DATE: August 25, 1996 
Robert Asher, Esq.
Attorney for Respondent

DATE: 9, 6/96 
Karen Eileen Carlson, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE:

September 9, 1996

Anne Saile
Anne F. Saile
Acting Director
Office of Professional Medical
Conduct

DATE:

12 September 1996

Charles J. Vacanti
Charles J. Vacanti, M.D.
CHAIRPERSON
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 : NOTICE
OF : OF
ALAN DOCKERAY, M.D. : HEARING

-----X

TO: Alan Dockeray, M.D.
101 Ellwood Avenue
Mt. Vernon, New York 10550

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1996). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 31st day of July, 1996, at 10:00 in the forenoon of that day at the New York State Department of Health, Office of Professional Medical Conduct, 5 Penn Plaza, 6th Floor, New York, New York 10001, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on

your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1996), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any

deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW
YORK PUBLIC HEALTH LAW SECTION 230-a
(McKinney Supp. 1996). YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: Albany, New York
July 1, 1996


PETER D. VAN BUREN
Deputy Counsel

Inquiries should be directed to: Karen Eileen Carlson
Assistant Counsel
Division of Legal Affairs
Bureau of Professional
Medical Conduct
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4282

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

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IN THE MATTER : STATEMENT
OF : OF
ALAN DOCKERAY, M.D. : CHARGES

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ALAN DOCKERAY, M.D., the Respondent, was authorized to practice medicine in New York State on December 19, 1980 by the issuance of license number 144793 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, 1995, through July 31, 1997, with a registration address of 101 Ellwood Avenue, Mt. Vernon, New York 10550.

FACTUAL ALLEGATIONS

A. Respondent, on or about December 1, 1980, filed his Application for License and First Registration [hereinafter "New York Application"] for a license to practice medicine in New York State.

1. Respondent answered "No" to the New York Application question,

"Have you ever been convicted of a crime (felony or misdemeanor)?"

when, in fact, Respondent had been convicted in 1975 of violating the Bermuda Misuse of Drugs Act of 1971, §4(3) [restriction of production and supply of controlled drugs] and §6(2) [restriction of cultivation of cannabis plant] and Respondent knew such fact.

B. Respondent, on or about August 11, 1980, filed his Application for Endorsement by the State Board of Medical Examiners of New Jersey [hereafter "New Jersey Application"] for a medical license.

1. Respondent answered "No" to the New Jersey Application question,

"Have you ever been charged or convicted of a misdemeanor or crime?"

when in fact Respondent had been convicted in 1975 for violating the Bermuda Misuse of Drugs Act of 1971, §4(3) [restriction of production and supply of controlled drugs] and §6(2) [restriction of cultivation of cannabis plant] and Respondent knew such fact.

2. Respondent answered "No" to the New Jersey Application question,

"Have you ever been arrested or convicted for a violation of any law of this state or any other state of the United States or foreign country?"

when in fact Respondent had been convicted in 1975 for violating the Bermuda Misuse of Drugs Act of 1971, §4(3) [restriction of production and supply of controlled drugs] and §6(2) [restriction of cultivation of cannabis plant] and Respondent knew such fact.

SPECIFICATION OF CHARGES

FIRST THROUGH SECOND SPECIFICATIONS

OBTAINING A LICENSE FRAUDULENTLY

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(1) (McKinney Supp. 1996) by reason of his obtaining his license fraudulently, in that Petitioner charges:

1. The facts in Paragraph A and A.1.
2. The facts in Paragraphs B and B.1 and/or B.2.

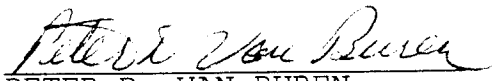
THIRD THROUGH FOURTH SPECIFICATIONS

FILING A FALSE REPORT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(21) (McKinney Supp. 1996) by reason of his willfully making or filing a false report, in that Petitioner charges:

3. The facts in Paragraph A and A.1.
4. The facts in Paragraphs B and B.1 and/or B.2.

DATED: *July 1*, 1996
Albany, New York


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

TERMS OF PROBATION

EXHIBIT B

1. Respondent will personally meet with a member of the Office of Professional Medical Conduct staff on a (quarterly, semi-annual, annual, random) basis at the discretion of the Director of the Office or designee.
2. Respondent will conform fully:
 - a. to the professional standards of conduct imposed by law and by his or her profession
 - b. with all civil and criminal laws, rules and regulations.
3. Respondent will notify the Office of Professional Medical Conduct of:
 - a. any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action;
 - b. any and all changes in personal and professional addresses and telephone numbers and facility affiliations, within 30 days of such changes. This will including any change in practice location, within or outside of the State of New York. The date of departure from the State of New York, and the date of return, if any, must be reported in writing.

Failure to notify the Office of Professional Medical Conduct of any of the above will be considered a violation of probation.
4. Respondent will maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her profession in accordance with the terms of probation. Upon receipt of evidence of non compliance 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 any such other proceeding against Respondent as may be authorized by law.

- a. Respondent shall assume and bear all costs related to compliance with the terms of probation.