



**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

January 11, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Francis J. Duggan, Jr., M.D.  
999 Beach Avenue  
Hershey, PA 17033

Re: License No. 100148

Effective Date: 01/18/96

Dear Dr. Duggan:

Enclosed please find Order #BPMC 96-5 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Fiscal Management Group  
Bureau of Accounts Management  
Room 1245  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12237-0016

Sincerely,

A handwritten signature in cursive script that reads "Charles Vacanti".

Charles Vacanti, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Dean Weidner, Esq.  
Wix, Wenger and Weidner  
508 North Second Street  
P.O. Box 845  
Harrisburg, PA 17108

Frederick Zimmer, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
FRANCIS J. DUGGAN, JR., M.D. : BMC #96-5  
Respondent :

-----X

Upon the application of FRANCIS J. DUGGAN, JR., 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: 10 January 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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
FRANCIS J. DUGGAN, Jr., M.D. : CONSENT  
Respondent : ORDER  
-----X

STATE OF PENNSYLVANIA )  
COUNTY OF DAUGHIN ) ss.:

FRANCIS J. DUGGAN, M.D., being duly sworn, deposes and says:  
That on or about October 2, 1967, I was licensed to practice  
as a physician in the State of New York, having been issued  
License No. 100148 by the New York State Education Department.

I understand that the New York State Board for Professional  
Medical Conduct has charged me with two Specifications 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 second specification in full  
satisfaction of the charges against me.

I hereby agree to the following penalty:

I shall be assessed a civil penalty in the amount of Seven  
Hundred Fifty (\$750) dollars which I will pay to the New York  
State Health Department no later than (90) days from the  
effective date of this Consent Order. Such payment shall be made

by certified check payable to the New York State Department of Health directed to the following address:

Fiscal Management Group  
Bureau of Accounts Management  
Room 1245  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12237-0016

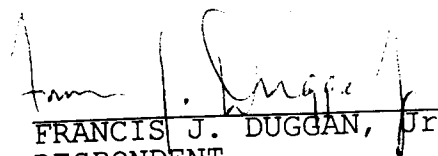
I understand that the failure to pay this fine, as set forth herein, may result in the assessment of interest, penalties or collection fees, in the denial of applications to renew my registration to practice medicine with the New York State Education Department or in such other penalties or procedures as are authorized under New York State law.

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.

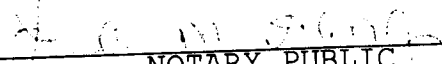
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

  
FRANCIS J. DUGGAN, Jr., M.D.  
RESPONDENT

Sworn to before me this

27<sup>th</sup> day of January, 1996.



NOTARY PUBLIC

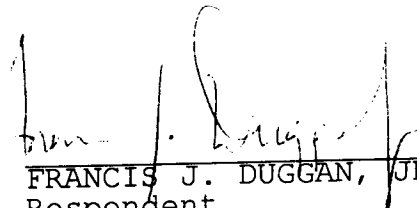
NOTARIAL SEAL  
LISA M. LONG, Notary Public  
City of Harrisburg, Dauphin County  
My Commission Expires April 28, 1997

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

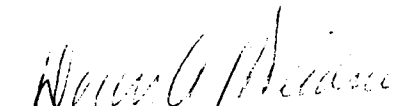
-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
FRANCIS J. DUGGAN, Jr., M.D. : CONSENT  
Respondent : ORDER  
-----X

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

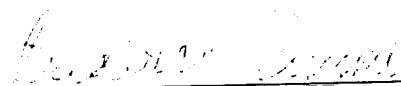
DATE: JAN 2, 1996

  
FRANCIS J. DUGGAN, JR., M.D.  
Respondent

DATE: JAN 2, 1996

  
DEAN WEIDNER, ESQ.  
Attorney for Respondent

DATE: January 5, 1996

  
FREDERICK ZIMMER  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE:

Jan 10, 1996

Anne F. Sayle

ANNE F. SAYLE  
Acting Director  
Office of Professional Medical  
Conduct

DATE:

10 January 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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
FRANCIS J. DUGGAN, JR., M.D. : CHARGES

Respondent :  
-----X

FRANCIS J. DUGGAN, JR., M.D., the Respondent, was authorized to practice medicine in New York State on October 2, 1967 by the issuance of license number 100148 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. The Commonwealth of Pennsylvania, State Board of Medicine (the "Pennsylvania Board") by an Order issued on or about June 13, 1995, found that Respondent violated §41(6) of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, #112 as amended, 63 P.S. §422.41 (6) [violating a lawful regulation promulgated by the Board] in that Respondent violated 49.Pa. code §16.61(a)(1) [revealing personally identifiable facts, obtained as the result of a physician-patient relationship, without the prior consent of the patient....]. The Pennsylvania Board imposed a civil penalty upon Respondent of Seven Hundred Fifty (\$750) Dollars).

B. The conduct underlying the Pennsylvania's Board's finding that Respondent violated the Pennsylvania Medical Practice Act

and underlying their disciplinary action against Respondent included Respondent's treatment of a patient, M.P., from about October 11, 1993 through and including December 15, 1993. On or about December 15, 1993 without the consent of the patient, the Respondent revealed personally identifiable facts obtained as the result of a physician patient relationship to at least one other individual. The conduct underlying the Pennsylvania Board's finding of a violation and their disciplinary action would, if committed in New York State, have constituted professional misconduct in New York State pursuant to N.Y. Educ. Law §6530(23) (McKinney Supp. 1995) [revealing a personally identifiable fact, data or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law).

FIRST SPECIFICATION

A. Respondent is charged with professional misconduct by reason of his having been found guilty of professional misconduct by the 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 the laws of New York State, in violation of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1995) in that the Petitioner charges:

1. The facts in Paragraphs A and B.


SECOND SPECIFICATION

B. Respondent is charged with professional misconduct by reason of his having had disciplinary action taken against him by the duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995) in that the Petitioner charges:

2. The facts in Paragraphs A and B.

DATED: *November 13, 1995*

Albany, New York

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