



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

April 9, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Alfred J. Fields, M.D.
8 East 83rd Street
New York, New York 10028-0418

RE: License No. 127396

Dear Dr. Fields:

Enclosed please find Order #BPMC 97-86 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: Peter Chavkin, Esq.
Stillman & Friedman, P.C.
425 Park Avenue
New York, New York 10022

David W. Smith, Esq.

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

**IN THE MATTER
OF
ALFRED JAY FIELDS, M.D.**

**CONSENT
ORDER**
BPMC #97-86

Upon the application of ALFRED JAY FIELDS, 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: April 5, 1997



PATRICK CARONE, 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
ALFRED JAY FIELDS, M.D.

APPLICATION
FOR
CONSENT ORDER

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

ALFRED JAY FIELDS, M.D., being duly sworn, deposes and says:

That in or about June, 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 127396 by the New York State Education Department.

My current address is 8 East 83rd Street, New York City, 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 twenty-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 Specifications Twentieth and Twenty-third, in full satisfaction of the charges against me.

I hereby agree to the following sanctions:

- a. A Censure and Reprimand.
- b. A five year probation in accordance with the Terms of Probation attached hereto as Exhibit "B".
- c. A fine of \$20,000.00

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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for

which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Alfred Jay Fields MD
ALFRED JAY FIELDS, M.D.
RESPONDENT

Sworn to before me this

54 day of March, 1917.

J. J. [Signature]
NOTARY PUBLIC

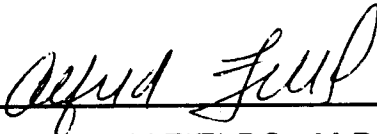
JOHN J. CONNORS
Notary Public, State of New York
No. 120000000000
Qualified to perform duties
Commenced February 15, 1915


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

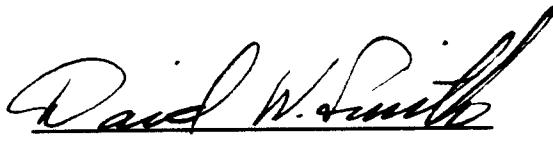
IN THE MATTER
OF
ALFRED JAY FIELDS, M.D.

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: 3-24-97 
ALFRED JAY FIELDS, M.D.
Respondent

DATE: 3/24/97 
PETER CHAVKIN, ESQ.
Attorney for Respondent

DATE: 3/27/97 
DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: March 31 1997

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

DATE: April 5, 1997

Patrick F. Carone, M.D.
PATRICK F. CARONE, M.D., M.P.H.
CHAIR
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
ALFRED JAY FIELDS, M.D.

STATEMENT
OF
CHARGES

ALFRED JAY FIELDS, M.D., Respondent, was authorized to practice medicine in New York State in or about June, 1976, by the issuance of license number 127396 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 15, 1987, Respondent performed a dilation and curettage, and other procedures on Patient A at Lenox Hill Hospital ("Lenox Hill"), 100 East 77th Street, New York City. (All patients are identified in the Appendix attached hereto)
1. Respondent intentionally billed Guardian Life Insurance Company (GLIC), the insurance carrier for Patient A, for the following procedures, which were not performed and Respondent knew they were not performed when he billed:
 - a. myomectomy.
 - b. endometrial polypectomies.

IN THE MATTER
OF
ALFRED JAY FIELDS, M.D.

STATEMENT
OF
CHARGES

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FACTUAL ALLEGATIONS

- A. On or about May 15, 1987, Respondent performed a dilation and curettage, and other procedures on Patient A at Lenox Hill Hospital ("Lenox Hill"), 100 East 77th Street, New York City. (All patients are identified in the Appendix attached hereto)
1. Respondent intentionally billed Guardian Life Insurance Company (GLIC), the insurance carrier for Patient A, for the following procedures, which were not performed and Respondent knew they were not performed when he billed:
 - a. myomectomy.
 - b. endometrial polypectomies.

2. Respondent also intentionally billed GLIC separately for a cauterization of cervix which Respondent knew to be a part of the excisional biopsy of the cervix he performed on Patient A and for which he also intentionally billed.
 3. After the procedure, Respondent filed an operative report with Lenox Hill, signed by him, which was false and Respondent knew it to be false.
 4. As part of the above claim Respondent intentionally submitted to GLIC, a pathology report on Patient A, allegedly from the Pathology Department of Lenox Hill, which was false and Respondent knew it was false at the time he submitted it.
- B. On or about October 14, 1988, Respondent performed a dilation and curettage and other procedures on Patient B at Lenox Hill Hospital, 100 East 77th Street, New York City.
1. Respondent intentionally billed Guardian Life Insurance Company (GLIC), the insurance carrier for Patient B, for the following procedures, which were not performed and Respondent knew they were not performed when he billed:
 - a. fractional dilation, curettage.
 - b. hysteroscopy.
 - c. vaginal myomectomy.
 - d. culdocentesis.

2. After the procedure, Respondent intentionally filed an operative report with Lenox Hill, signed by him, which was false and Respondent knew it to be false.
 3. If, in fact, the fractional dilation and curettage and/or the culdocentesis were performed, either or both procedures were inappropriate.
- C. On or about February 20, 1987, Respondent performed a Cesarean Section on Patient C at Lenox Hill Hospital, 100 East 77th Street, New York City.
1. Respondent intentionally billed Blue Cross/Blue Shield, the insurance carrier for Patient C, for a myomectomy which was not performed and Respondent knew it was not performed when he billed.
 2. If, in fact, such procedure was performed, Respondent failed to note it.
- D. On or about September 19, 1988, Respondent performed a vaginal delivery on Patient D at Lenox Hill Hospital, 100 East 77th Street, New York City.
1. Respondent intentionally billed Chubb Life of America (CLA), the insurance carrier for Patient D, for a vaginal reconstruction allegedly performed at the same time as the delivery. In fact, the vaginal reconstruction was never performed and Respondent knew this at the time he billed the carrier.

2. After the procedure, Respondent intentionally submitted to Lenox Hill an operative report, signed by him, which was false and Respondent knew it to be false.

E. On or about February 27, 1989, Respondent performed a dilation and curettage and other procedures on Patient E at Lenox Hill Hospital, 100 East 77th Street, New York City.

1. Respondent intentionally billed Empire Blue Cross/Blue Shield of New Jersey ("Empire"), the insurance carrier for Patient E, for the following procedures which were not done and which Respondent knew were not done when he billed:

- a. Conization.
- b. Bilateral trachelorrhaphy.
- c. Partial vulvectomy.

2. Respondent also intentionally billed Empire for both cauterization and laser surgery of the cervix, vagina and vulva when he knew that either the cauterization or the laser surgery was not done.

3. As part of the claim filed with Empire, Respondent intentionally filed an operative report, signed by him, which was false and Respondent knew it to be false.

4. If, in fact, the laser surgery, bilateral trachelorrhaphy and partial vulvectomy, or any one of them, were done, all or any of them

were inappropriate.

5. Respondent inappropriately performed a urethroscopy, hysteroscopy, cystoscopy and a dilation of the meatus on Patient E.
- F. On or about March 3, 1990, Respondent performed a dilation and curettage and other procedures on Patient F at Lenox Hill Hospital, 100 East 77th Street, New York City.
1. Respondent intentionally billed Guardian Life Insurance Company (GLIC), the insurance carrier for Patient F, the following procedures which were not done and which Respondent knew were not done when he billed:
 - a. Urethroscopy.
 - b. Conization.
 - c. Bilateral trachelorrhaphy.
 - d. Partial vulvectomy.
 2. Respondent also intentionally billed GLIC for both cauterization and laser surgery of cervix, vagina and vulva when he knew that either the cauterization or the laser surgery was not done.
 3. After the procedure, Respondent intentionally filed with Lenox Hill an operative report, signed by him, which was false and Respondent knew it to be false.

4. If, in fact, the laser surgery, urethroscopy, bilateral trachelorrhaphy and partial vulvectomy or any of them, were done, all or any of them were inappropriate.

5. Respondent inappropriately performed a cystoscopy on Patient F.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law §6530(2) (McKinney Supp. 1995). Specifically, Petitioner charges:

1. The facts in Paragraphs A and A1a, b, 2, 3, 4.
2. The facts in Paragraphs B and B1a-c, 2.
3. The facts in Paragraphs C and C1.
4. The facts in Paragraphs D and D1-2.
5. The facts in Paragraphs E and E1a-c, 2, 3.
6. The facts in Paragraphs F and F1a-d, 2, 3.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

FILING A FALSE REPORT

Respondent is charged with filing a false report within the meaning of N.Y. Educ. Law §6530(21) (McKinney Supp. 1995). Specifically, Petitioner charges:

7. The facts in Paragraphs A and A1a, b, 2, 3, 4.
8. The facts in Paragraphs B and B1a-c, 2.
9. The facts in Paragraphs C and C1.
10. The facts in Paragraphs D and D1-2.

11. The facts in Paragraphs E and E1a-c, 2, 3.
12. The facts in Paragraphs F and F1a-d, 2, 3.

THIRTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3) (McKinney Supp. 1995). Specifically, Petitioner charges:

13. The facts in Paragraphs B and B3; E and E4, 5; and/or F and F4, 5,

FOURTEENTH THROUGH NINETEENTH SPECIFICATIONS

MORAL UNFITNESS TO PRACTICE

Respondent is charged with practicing the profession with conduct evidencing moral unfitness to practice medicine within the meaning of N.Y. Educ. Law §6530(10) (McKinney Supp. 1995). Specifically, Petitioner charges:

14. The facts in Paragraphs A and A1, a, b, 2, 3, 4.
15. The facts in Paragraphs B and B1a-c, 2, 3.
16. The facts in Paragraphs C and C1.
17. The facts in Paragraphs D and D1-2.
18. The facts in Paragraphs E and E1, a-c, 2, 3.
19. The facts in Paragraphs F and F1a-d, 2, 3.

TWENTIETH THROUGH TWENTIETH-SECOND SPECIFICATIONS

EXCESSIVE TESTS

Respondent is charged with the ordering of excessive tests, or treatment not warranted by the condition of the patient within the meaning of N.Y. Educ. Law §6530(35) (McKinney Supp. 1995). Specifically, Petitioner charges:

- 20. The facts in Paragraphs B and B3.
- 21. The facts in Paragraphs E and E4, 5.
- 22. The facts in Paragraphs F and F4, 5.

TWENTY-THIRD SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1997) by failing to maintain records for each patient as alleged in the facts of:

- 23. Paragraphs C and C2.

DATED: New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent 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 and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237; 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 verification 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 probation 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 period of probation shall resume and any terms of probation 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.
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 comply with all terms, conditions, restrictions, limitations and penalties to which he or 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 terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.
9. Respondent hereby agrees that his license to practice medicine shall be limited pursuant to NY Public Health Law §230(a)3 to restrict him from performing the following procedures:
 - a) Paraumbilical hernia repair;
 - b) Cauterization in the bladder; and
 - c) Skinning type of conizations.
10. Respondent shall no longer bill for the following procedures:
 - a) Partial vulvectomy;
 - b) Vaginal reconstruction unless done as part of a repair of laceration;
 - c) Myomectomy, unless pathology confirms that a myoma was in fact removed;
 - d) Endometrial polypectomy, unless pathology confirms that a polyp was in fact removed;
 - e) Culdocentesis, unless pathology confirms that the pregnancy was ectopic;
 - f) Trachelorrhaphy when performed in conjunction with a LEEP excision procedure;
 - g) Cauterization to destroy genital condyloma, when performed along with laser ablation surgery;
 - h) Cauterization of the cervix, when performed in conjunction with an excisional biopsy of the cervix; and
 - i) Cauterization of tissue contiguous to infected tissue.
11. For all procedures performed by Respondent during the term of his probation at all hospitals in New York City except Beth Israel Medical Center, Respondent will consult with his team leader (or a physician designated by the team leader) before performing such procedures and will have his operative reports prepared by residents. With respect to the procedures performed by Respondent at Beth Israel Medical Center in Manhattan, he shall consult with the assistant director of gynecology or a physician designated by the assistant director before performing such

procedures and obtain specific prior authorization from the assistant director or his designate before performing a urethroscopy. In addition, the attending nurse will verify that each procedure was performed.

12. Respondent will pay a civil penalty of \$20,000.00 in two (2) equal annual installments, the first payment to be made within 60 days of the date of the Order approving this Application. Any failure to pay a part or all of any installment of this civil penalty in a timely manner will allow the New York State Department of Health to require the entire balance of the civil penalty to be due and payable immediately.

All payments of this civil penalty shall be made to the New York State Department of Health, Fiscal management Group, Bureau of Accounts Management, Room 1245, Corning Tower Building, Empire State Plaza, Albany, New York 12237-0016.

13. Respondent will perform 75 hours of community service, to be completed at the rate of at least 15 hours during each year of his probation at The Crossroads Treatment Center, a project of the Center of Community Alternatives located at 39 West 19th Street, New York, New York 10011, and shall submit written proof of this to the New York State Office of Professional Medical Conduct, Probation Unit, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180.
14. As long as he is in full compliance with every term of this probation, Respondent may continue to practice his or her profession in accordance with the terms of probation; provided, however, that 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 such other proceeding against Respondent as may be authorized to the Public health Law.