



Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Charles J. Vacanti, M.D.
Chair

April 10, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gary Neal Fields, M.D.
11 Lincoln Terrace
Middletown, New York 10940

RE: License No. 106949

Effective Date April 17, 1996

Dear Dr. Fields:

Enclosed please find Order #BPMC 96-82 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

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

IN THE MATTER
OF
GARY NEAL FIELDS, M.D.

SURRENDER
ORDER

BPMC #96-82

Upon the Application of GARY NEAL FIELDS, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED.

DATED

April 8, 1996

for

Charles J. Vacanti, M.D.

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
GARY NEAL FIELDS, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF NEW YORK)

COUNTY OF)

ss.:

GARY NEAL FIELDS, M.D., being duly sworn, deposes and says:

On or about August 18, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 106949 by the New York State Education Department.

My current address is 11 Lincoln Terrace, Middletown, NY 10940, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address prior to service upon me of the Surrender Order for which I now apply.

I understand that I have been charged with twenty-four specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that, due to factors including my current disability due to medical illness, I cannot successfully defend against the First, Third through Seventh, Ninth through Fourteenth, Twentieth, and Twenty-Second through Twenty-Fourth Specifications, and the factual allegations thereunder, excepting any and all allegations of knowing and intentional false statements throughout the Statement of Charges, excepting all allegations under Paragraph B, and excepting any factual allegations under

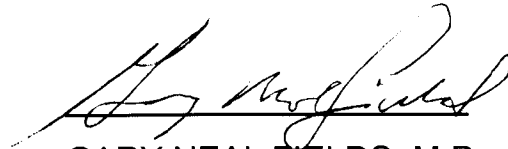
Paragraph E which predate 1992.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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



GARY NEAL FIELDS, M.D.
Respondent

Sworn to before me this

23rd day of *March*, 1996

Cheryl A. Dulgarian

NOTARY PUBLIC

CHERYL A. DULGARIAN
Notary Public, State of New York
No. 4927561
Qualified in Orange County
Commission Expires April 18, 1996

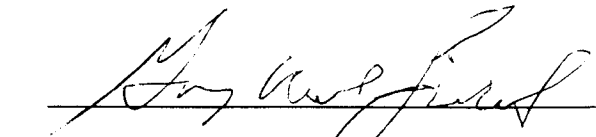
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
GARY NEAL FIELDS, M.D.

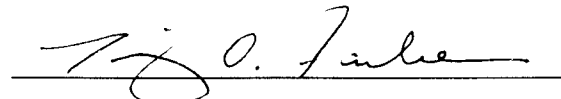
APPLICATION TO
SURRENDER
LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.

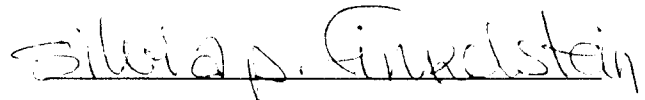
Date: MARCH 25, 1996


GARY NEAL FIELDS, M.D.
Respondent

Date: MARCH 30, 1996


IRVING O. FARBER, Esq.
Attorney for Respondent

Date: 4/2, 1996


SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: April 8, 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical Conduct

Date: April 8, 1996

Nathan P. Reed, M.D.

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

**IN THE MATTER
OF
GARY NEAL FIELDS, M.D.**

**STATEMENT
OF
CHARGES**

GARY NEAL FIELDS, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 18, 1970, by the issuance of license number 106949 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about 10/4/94, Patient A, an 86 year old female, was scheduled to be subjected to a colonoscopy by Respondent, as indicated for follow-up of a resected carcinoma of the sigmoid colon, performed in 1986.
1. Respondent failed to complete that procedure.
 2. Respondent intentionally and knowingly, with intent to deceive, falsely reported that he had completed the procedure, and indicated that the colonoscopy was normal.
- B. On or about 2/5/94, Patient B, an 80 year old male with known metastatic carcinoma of the prostate and a history of nausea, vomiting, and dehydration, was scheduled to be subjected to a panendoscopy of the upper GI tract by Respondent.
1. Respondent failed to complete that procedure.
 2. Respondent intentionally and knowingly, with intent to deceive, falsely reported that he had completed the procedure and indicated that all segments of the upper GI tract had been

EXHIBIT A

visualized and were normal.

- C. On or about 10/31/94, Patient C, a 69 year old female, was scheduled to be subjected to a colonoscopy by Respondent, as indicated for a colonic polyp.
1. Respondent failed to complete that procedure.
 2. Respondent intentionally and knowingly, with intent to deceive, falsely reported that he had completed the procedure.
- D. On or about 11/8/94, Patient D, a 75 year old female, was scheduled to be subjected to a surveillance colonoscopy by Respondent, as indicated for follow-up on a past history of colonic polyps.
1. Respondent failed to complete that procedure.
 2. Respondent intentionally and knowingly, with intent to deceive, falsely reported that he had completed the procedure, reporting visualization of the entire colon, to the cecum, with an absence of gross abnormalities. In fact, as established by a proper colonoscopy two months later, there was present, in this patient, a large obstructing mass of the ascending colon, which proved to be a poorly differentiated adenocarcinoma that penetrated into the pericolonic fat and which was metastatic to 5 out of 11 lymph nodes.
- E. In or about 1984, 1986, 1988, and 1992 Patient E, an elderly female, was scheduled to be subjected to surveillance colonoscopy by Respondent, as indicated for follow-up on a right hemicolectomy for villous adenoma with a focus of adenocarcinoma in 1983.
1. Respondent failed to complete each of these procedures.

2. Respondent intentionally and knowingly, with intent to deceive, falsely reported that he had completed the procedures, recording visualization to the transverse colon, despite the fact that the right colon and cecum had been resected and were not present to be visualized.
- F. On or about 7/7/93, Patient F, a 53 year old female, was scheduled to be subjected to a colonoscopy by Respondent, as indicated for a rectal polyp. Respondent reported snaring, but not retrieving, a 7mm multilobulated polyp.
1. Respondent failed to repeat the procedure for histologic confirmation. Seventeen months later, the patient was found to have a rectal adenocarcinoma.

SPECIFICATION OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1996) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraph A and each of its subparagraphs.
2. Paragraph B and each of its subparagraphs.
3. Paragraph C and each of its subparagraphs.
4. Paragraph D and each of its subparagraphs.
5. Paragraph E and each of its subparagraphs.
6. Paragraph F and each of its subparagraphs.

SEVENTH THROUGH TWELFTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 1996) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

7. Paragraph A and each of its subparagraphs.
8. Paragraph B and each of its subparagraphs.
9. Paragraph C and each of its subparagraphs.
10. Paragraph D and each of its subparagraphs.
11. Paragraph E and each of its subparagraphs.
12. Paragraph F and each of its subparagraphs.

THIRTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1996) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

13. Paragraphs A, B, C, D, E, F, and each of their subparagraphs.

FOURTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in

N.Y. Educ. Law §6530(5)(McKinney Supp. 1996) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

14. Paragraphs A, B, C, D, E, F, and each of their subparagraphs.

FIFTEENTH THROUGH NINETEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1996) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

15. Paragraph A and each of its subparagraphs.
16. Paragraph B and each of its subparagraphs.
17. Paragraph C and each of its subparagraphs.
18. Paragraph D and each of its subparagraphs.
19. Paragraph E and each of its subparagraphs.

TWENTIETH THROUGH TWENTY-FOURTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §(xx)(McKinney Supp. 1996) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

20. Paragraph A and each of its subparagraphs.
21. Paragraph B and each of its subparagraphs.
22. Paragraph C and each of its subparagraphs.

23. Paragraph D and each of its subparagraphs.
24. Paragraph E and each of its subparagraphs.

DATED: March , 1996
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct