

Public

The
University of the
Education  State of New York
Department

IN THE MATTER

of the

Application of ALFRED JAY
FIELDS for restoration of his license
to practice as a physician in the State
of New York.

Case No. CP-12-18

It appearing that the license of ALFRED JAY FIELDS, authorizing him to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct dated May 1, 2006, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having agreed with and accepted the Terms of Probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on January 15, 2013, it is hereby

ORDERED that the petition for restoration of License No. 127396, authorizing ALFRED JAY FIELDS to practice as a physician in the State of New York, is denied, but that the execution of the Order of surrender of said license is stayed, and said ALFRED JAY FIELDS is

placed on probation for a period of five years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, John B. King, Jr., Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 8th day of February 2013.

REDACTED

Commissioner of Education

It appearing that the license of ALFRED JAY FIELDS, authorizing him to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct dated May 1, 2006, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having agreed with and accepted the Terms of Probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on January 15, 2013, it is hereby

ORDERED that the petition for restoration of License No. 127396, authorizing ALFRED JAY FIELDS to practice as a physician in the State of New York, is denied, but that the execution of the Order of surrender of said license is stayed, and said ALRED JAY FIELDS is placed on probation for a period of five years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.

EXHIBIT "A"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS

ALFRED JAY FIELDS

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Albany, NY 12204 of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That applicant, during the first 30 months of probation, shall practice medicine only as a salaried physician in a hospital or other Article 28 facility, with the Veterans Administration, or in another group setting approved in advance by the Director of OPMC.
4. That applicant shall practice medicine only when monitored by a licensed physician, board-certified in an appropriate specialty ("practice monitor"), proposed by applicant and subject to the written approval of the Director of OPMC.
 - a. Applicant shall make available to the practice monitor all records and access to the practice requested by the monitor, including observation. The practice monitor shall visit applicant's medical practice at every location on a random unannounced basis at least monthly and shall examine a selection of records (no fewer than twenty) maintained by applicant including patient records, prescribing information and office records, to determine whether the applicant's medical practice is conducted in accordance with generally accepted standards of professional medical care. The practice monitor shall report to OPMC within 24 hours of any perceived deviation by applicant from accepted standards of medical care or any refusal by applicant to cooperate with the monitoring.
 - b. Applicant shall obtain a second opinion from the approved practice monitor (or his designee) before performing any surgery, to confirm that the surgery is necessary and to approve the surgical plan. The second opinion shall be based upon review of the complete medical record and may include an examination of the patient. If the practice monitor determines that surgery is not needed, the applicant shall not perform the surgery. Applicant shall maintain a log of all proposed surgical patients setting forth the patient's name and proposed procedure and indicating the practice monitor's approval. The practice monitor shall conduct a post-operative review of all applicant's surgical patients' hospital and office records monthly. This provision shall not preclude a patient from seeking additional pre-surgical opinions and, if appropriate, surgery to be performed by a physician other than applicant.

- c. Applicant shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - d. Applicant shall cause the practice monitor to report quarterly, in writing to the Director of OPMC.
 - e. Applicant shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year. Proof of coverage shall be submitted to the Director of OPMC prior to applicant's commencement of practice.
5. That applicant shall practice surgery only under direct supervision. The supervision may be performed by the practice monitor or another physician board certified in an appropriate specialty. The supervisor must be proposed in advance by the applicant and approved in writing by OPMC. The applicant shall provide the supervising physician with access to the medical records of the surgical patients both prior to and following surgery. The applicant shall cause the surgical supervisor to submit quarterly reports to the OPMC, to include the medical indication for surgery, the quality of surgical skill and technique, which the supervisor shall directly observe, and to include additional information as directed by the OPMC. Any suspected deviation from the standards of medical care must be reported to the OPMC within 24 hours. The applicant may petition the Director of OPMC for early termination of this provision (Exhibit A, paragraph 5), after at least 12 months of surgical supervision and after he has, in the opinion of his surgical supervisor, demonstrated sufficient clinical/surgical proficiency to practice surgery independently.
6. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED) that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
7. That applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the period of probation;

8. That applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
9. That applicant, during the first six months of his probation, shall take and pass a course in medical ethics that has been pre-approved by the Director, OPMC;
10. That the period of probation shall be tolled during periods in which the applicant is not engaged in the active practice of medicine in New York State. The applicant shall notify the Director, of Office of Professional Discipline, as aforesaid, in writing, if the applicant 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. The applicant 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 the applicant's return to practice in New York State; and
11. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.