



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

July 29, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

FRANCIS
Francis Fox, M.D.
11197 Sandhurst
Boise, Idaho 82701

RE: License No. 143911
Effective Date: 8/5/94

Dear Dr. Fox:

Enclosed please find Order #BPMC 94-130 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,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
FRANCIS H. FOX, M.D. : BPMC # 94-130

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Upon the Application of FRANCIS H. FOX, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which Application is made a part hereof, it is

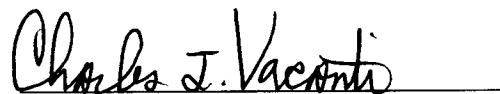
ORDERED, that the Application and the provisions thereof are hereby adopted; it is further

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: 27 July 1994



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 TO
OF : SURRENDER
FRANCIS H. FOX, M.D. : LICENSE

-----X

STATE OF IDAHO)

ss.:

COUNTY OF AOA)

FRANCIS H. FOX, M.D., being duly sworn, deposes and says:

1. I was licensed to practice medicine as a physician in the State of New York on October 24, 1980 having been issued License No. 143911 by the New York State Education Department. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.
2. I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."
3. I hereby admit guilt to the one specification of

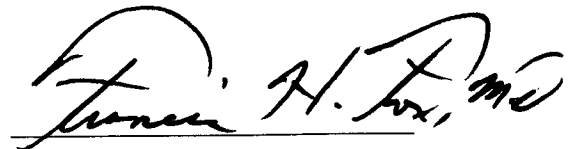
professional misconduct set forth in the Statement of Charges.

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

5. 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.


6. 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.

7. 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 H. FOX, M.D.
Respondent

Sworn to before me this
20th day of July, 1994


NOTARY PUBLIC *4/95*
residing in Ada Co.

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

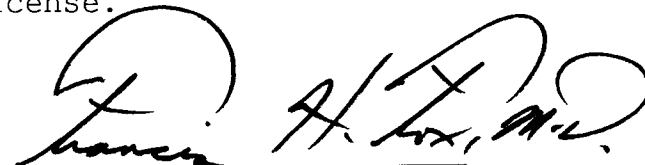
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IN THE MATTER : APPLICATION TO
TO : SURRENDER
FRANCIS H. FOX, M.D. : LICENSE

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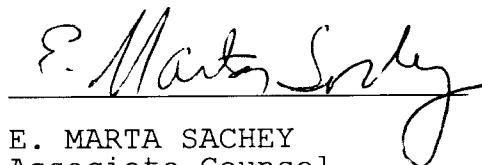
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 7/20, 1994



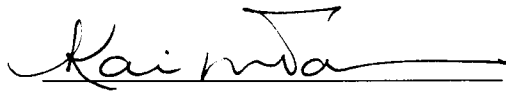
FRANCIS H. FOX, M.D.
Respondent

Date: July 22, 1994



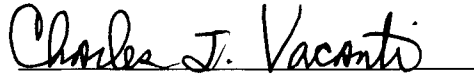
E. MARTA SACHEY
Associate Counsel
Bureau of Professional
Medical Conduct

Date: July 27, 1994



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 27 July, 1994



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 : STATEMENT
OF : OF
FRANCIS H. FOX, M.D. : CHARGES

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FRANCIS H. FOX, M.D., the Respondent, was authorized to practice medicine in New York State on October 24, 1980 by the issuance of license number 143911 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

1. The Board of Professional Discipline of the Idaho State Board of Medicine, by Order dated October 8, 1993 pursuant to a Stipulation entered into with Respondent, inter alia:
 - required Respondent to surrender his United States Drug Enforcement Administration Certificate and Idaho triplicate prescription authority for a six month period and precluded Respondent from applying for such Certificate or prescription authority without prior Board approval;
 - required Respondent to enter and successfully complete an inpatient drug rehabilitation hospital or program approved by the Board;
 - required Respondent to submit to random urine screenings for drugs on a weekly

basis or as otherwise directed by the Board;

- required Respondent to maintain participation in an alcohol and drug rehabilitation program acceptable to the Board no less than five times per week;
- required Respondent to have a monitoring physician who shall provide the Board with reports on Respondent's progress and status;
- required Respondent to report by telephone or appear in person before the Board or its designee at three month intervals, or as otherwise directed by the Board.

2. The conduct underlying the Idaho Board's imposition of disciplinary action upon Respondent consisted of, inter alia, violation of the community standard of care by use of a medical license to furnish drugs for personal use to maintain addiction and practicing medicine while using addictive drugs in violation of Idaho Code §54-1814(7) and the prescribing or furnishing of narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or medical condition in violation of Idaho Code §54-1814(12).
3. The conduct underlying the Idaho Board's imposition of disciplinary action upon Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) [practicing the

profession fraudulently] and/or §6530(7) [practicing while impaired by drugs] and/or §6530(8) [dependent on or habitual user of drugs] (McKinney Supp. 1994).

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges the facts in Paragraphs 1 through 3.

DATED: *July 8*, 1994
Albany, New York

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