



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Salle, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

March 2, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Paul W. Francis, M.D.
c/o David E. Brown, Esq.
Brown & Tarantino, LLP
39 State Street, Suite 500
Rochester, New York 14614

RE: License No. 107134

Dear Dr. Francis:

Enclosed please find Order #BPMC 99-49 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 2, 1999**.

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 to 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: Michael A. Hiset, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
PAUL W. FRANCIS, M.D. : BPMC # 99-49

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PAUL W. FRANCIS, M.D., says:

On or about September 16, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 107134 by the New York State Education Department.

I understand that I have been charged with six 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I admit guilt to the factual allegations of Paragraphs A and B, and to the fifth and Sixth Specifications of Misconduct in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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.

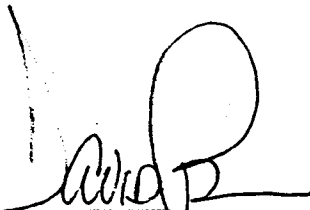
I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree never to reapply for licensure in New York State.

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


PAUL W. FRANCIS, M.D.
Respondent


AGREED TO:

Date: Feb. 12, 1999




DAVID E. BROWN, ESQ.
BROWN & TARANTINO
Attorney for Respondent

Date: 2/16/99, 1999



MICHAEL A. HISER
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 2/2/99, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

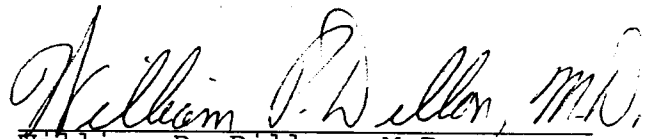
Upon the proposed agreement of PAUL W. FRANCIS, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement 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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/26/99


William P. Dillon, M.D.
Chair
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
PAUL W. FRANCIS, M.D. : CHARGES

-----X

PAUL W. FRANCIS, M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1970 by the issuance of license number 107134 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (Patients are identified in the Appendix), a male patient 37 years of age, at the Respondent's office at 170 Cross Keys Office Park, Fairport, New York 14450. Respondent, a radiologist, performed a knee arthrogram study on Patient A on or about April 24, 1998. Respondent, during the course of performing the knee arthrogram, obtained films of Patient A that were inappropriate, unauthorized, and without medical indication.

B. Respondent, in the course of performing numerous knee arthrogram studies of patients from approximately 1990 through April, 1998, obtained films of the patients that were inappropriate, unauthorized, and without medical indication.

FIRST AND SECOND SPECIFICATIONS OF MISCONDUCT

FRAUD

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

1. The facts in Paragraph A.
2. The facts in Paragraph B.

THIRD AND FOURTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in New York Educ. Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, as alleged in the facts of the following:

3. The facts in Paragraph A.
4. The facts in Paragraph B.

FIFTH AND SIXTH SPECIFICATIONS

PERFORMING TREATMENT WITHOUT AUTHORIZATION

Respondent is charged with committing professional misconduct as defined in New York Educ. Law §6530(26) by performing professional services which have not been duly authorized by the patient or his or her legal representative, as alleged in the facts of the following:

5. The facts in Paragraph A.
6. The facts in Paragraph B.

DATED: *February 17,* 1999

Albany, New York

Peter D. Van Buren

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