



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

July 3, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John Fucci, M.D.
S. 84th E. Avenue
Tulsa, OK 74133

RE: License No. 146608

Dear Dr. Fucci:

Enclosed please find Order #BPMC 98-128 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 10, 1998**.

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: Mack Martin, Esq.
119 North Robinson Avenue, Suite 360
Oklahoma City, OK 73102

Kalimah J. Jenkins, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
JOHN FUCCI , M.D. : BPMC # 98-128

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JOHN FUCCI, M.D., says:

On or about July 3, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 146608 by the New York State Education Department.

My current address is S. 84th E. Avenue, Tulsa, OK 74133.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification 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

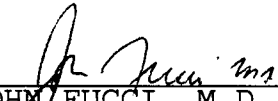
issue this Surrender Order.

I hereby agree not to contest the allegations and one specification set forth 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 am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



JOHN FUCCI, M.D.
Respondent

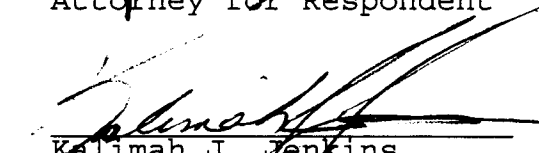
AGREED TO:

Date: June 5, 1998




Mack Martin, Esq.
Attorney for Respondent

Date: June 15, 1998



Kalimah J. Jenkins
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: June 23, 1998



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of JOHN FUCCI, 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 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.

DATED: 6/25/98

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
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
JOHN FUCCI, M.D. : CHARGES

-----X

JOHN FUCCI, M.D., the Respondent, was authorized to practice medicine in New York State on July 3, 1981, by the issuance of license number 146608 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. Respondent's current address is S. 84th E. Avenue, Tulsa, OK 74133.

FACTUAL ALLEGATIONS

1. Respondent's license to practice medicine in the State of Oklahoma became the subject of a disciplinary action relating to events occurring from approximately September 1996 through approximately September 1997.

2. Pursuant to Consent Order entered into with the Oklahoma State Board of Medical Licensure, Respondent's was placed on probation for a period of five years.

3. The sanctions imposed upon Respondent's license in the State of Oklahoma resulted from Respondent's impairment to practice medicine due to substance abuse.

4. The conduct resulting in the disciplinary action involving Respondent's license would constitute professional


misconduct if committed in New York State under Education Law §§ 6530(7) -- Practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability.

FIRST SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law § 6530(9)(b) in that he has been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1 through 4 above.

DATED: *June 15*, 1998
Albany, New York


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