

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

July 5, 1990

Robert A. Harris, Physician
1311 North Vernon Drive
Atlanta, Georgia 30338

Re: License No. 129477

Dear Dr. Harris:

Enclosed please find Commissioner's Order No. 10598. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: James T. Perry, Esq.
1000 Parkwood Circle, Ste. 470
Atlanta, Georgia 30339

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

IN THE MATTER
OF
ROBERT HARRIS, M.D.

: APPLICATION TO
: SURRENDER
: LICENSE
:

STATE OF GEORGIA)

COUNTY OF DeKalb Co.

ss.: 262-886257

ROBERT HARRIS, M.D., being duly sworn, deposes and says:

On or about December 3, 1976, I was licensed to practice as a physician in the State of New York having been issued License No. 129477 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician. My last registration was for the period January 1, 1986 through December 31, 1988 from the following address: 1311 North Vernon Drive, Atlanta, Georgia 30338.

I understand that the New York State Board of Professional Medical Conduct has charged me with Two Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof and marked as Exhibit "A".

I am applying to the Board of Regents for permission to surrender my license to practice as a physician in the State of

New York on the grounds that I do not contest the two Specifications of professional misconduct listed in the Statement of Charges dated January 16, 1990 found in Exhibit A.

I hereby make this application to the Board of Regents and request that it be granted.

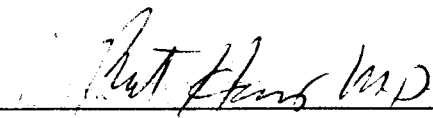
I understand that, in the event that the application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that

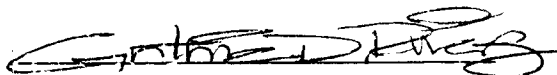
such application is not automatically granted but may be granted or denied.

No promises of any kind were made 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.



ROBERT HARRIS, M.D.
Respondent

Sworn to before me this
12th day of April, 1990



NOTARY PUBLIC

My Commission Expires July 13, 1992
Notary Public, Cobb County, Georgia

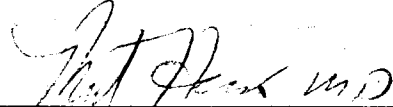
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ROBERT HARRIS, M.D.

: APPLICATION TO
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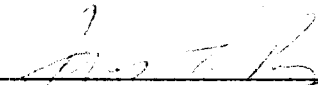
The undersigned agree to the attached application of the Respondent to surrender license.

Date: April 12, 1990




ROBERT HARRIS, M.D.
Respondent

Date: April 2, 1990



JAMES PERRY, Esq.
Attorney for Respondent

Date: May 1, 1990



MEMBER, State Board for
Professional Medical Conduct

Date: April 30, 1990

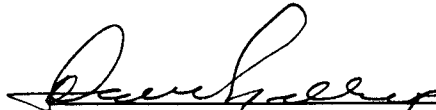


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

ROBERT HARRIS, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

Date: March 28, 1990



DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: May 24, 1990



MEMBER OF THE BOARD OF REGENTS

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

-----X

IN THE MATTER	:	STATEMENT
OF	:	OF
ROBERT HARRIS, M.D.	:	CHARGES

-----X

1. ROBERT HARRIS, M.D., the Respondent, was authorized to practice medicine in New York State on December 3, 1976 by the issuance of license number 129477 by the New York State Education Department.

2. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last registration period was January 1, 1986 through December 31, 1988 from 1311 North Vernon Drive, Atlanta, Georgia 30338.

3. The Respondent is charged with professional misconduct within the meaning of N.Y. Education Law §6509 (McKinney 1985 and Supp. 1989), as set forth in the attached Specifications.

11/10/89

FIRST SPECIFICATION

4. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(b) (McKinney 1985 and Supp. 1989) by reason of his having been found guilty of improper professional practice or 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:

The Connecticut Board of Medical Examiners, by Order dated November 19, 1984, found Respondent guilty of illegal, incompetent, negligent or improper medical conduct in violation of Section 20-13(c) of the Connecticut General Statutes. The Board ordered Respondent to serve a five year probation, to no longer practice chelation therapy for treatment of arteriosclerosis, to pay a fine of one thousand dollars (\$1000.00) and to submit a semi-annual affidavit to the Board indicating that he is complying with the terms of probation.

The conduct upon which the finding of improper practice was based, as set forth in said Board's Memorandum Decision, dated November 19, 1984, is as follows:

1. Respondent prescribed or dispensed the legend drug Disotate (Disodium Edetate) to treat patients for arteriosclerosis ("EDTA Chelation Therapy) from approximately April 28, 1982 until January 1, 1984, which did not have the approval of the Federal Drug Administration.

2. Respondent failed to provide medical equipment as needed to treat the medical complications anaphylaxis tetany and arrhythmia associated with EDTA chelation therapy.

This conduct would constitute professional misconduct in New York under to N.Y. Educ. Law §6509(2) (McKinney 1985) [practicing the profession with negligence and/or incompetence on more than one occasion].

SECOND SPECIFICATION

5. Respondent is charged with professional misconduct within the meaning of New York Education Law §6509(5)(d) (McKinney 1985 and Supp. 1989) by reason of his having his license to practice medicine revoked, suspended, or having other disciplinary action taken, 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 the surrender of license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that:

The Composite State Board of Medical Examiners of the State of Georgia, pursuant to a Consent Order dated October 5, 1988, suspended Respondent's license to practice medicine.

The conduct underlying the aforesaid disciplinary action, as set forth in the Notice of Hearing, dated March 28, 1988, and the Amended Notice of Hearing, dated June 2, 1988, and incorporated in the Consent Order, is as follows:


1. The issuance of prescriptions for 170 Dilaudid tablets between 2-1-88 and 2-5-88 and the issuance of a prescription for 120 Percocet on 2-16-88 to a patient, M.B., who was known or should have been known as a habitual user of drugs.
2. The issuance of a prescription in the name of one other than the patient, M.B., for the drug Dilaudid, intended to be given to the patient M.B.
3. The failure to record the prescriptions referred to above in Patient M.B.'s medical record.
4. The provision of controlled substances to one for whom it was known or it should have been known would divert it or would use it for other than a legitimate medical purpose.

The aforesaid conduct variously violates O.C.G.A. §43-1-19(a)(6) which prohibits unprofessional, immoral, unethical, deceptive or deleterious conduct or practice harmful to the public; violates O.C.G.A. §16-13-41(f)(3) (formerly GA Code §79A-820(f)) which prohibits the prescription or dispensation of a controlled substance, except by a practitioner prescribing or ordering such controlled substance for a legitimate medical purpose; and violates Board Rule 360-2-.09(d) which defines unprofessional conduct as "not maintaining appropriate records whenever Schedule II drugs are prescribed."

This conduct would be misconduct in New York State under N.Y. Educ. Law §6509(2) (McKinney 1985) [practicing the

profession fraudulently]; and N.Y. Educ. Law §6509(9) (McKinney 1985) and 8 NYCRR §29.2(a)(3) (1987) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient].

DATED: Albany, New York
January 16, 1990



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



The University of the State of New York

IN THE MATTER

OF

ROBERT HARRIS
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10598

Upon the application of ROBERT HARRIS, under Calendar No. 10598, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (June 22, 1990): That the application of ROBERT HARRIS, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

ROBERT HARRIS (10598)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 29th day of

Thomas Sobol, 1990.

Commissioner of Education

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

ROBERT HARRIS

CALENDAR NO. 10598