



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

October 21, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ronald O. Bailey, M.D.
16725 Sky Crest Drive
Riverside, California 92504

RE: License No. 145896

Dear Dr. Bailey:

Effective Date: 10/26/96

Enclosed please find Order #BPMC 96-249 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,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Don C. Brown, Esq.
Garza & Reyes
Vanir Tower, Suite 901
290 No. "D" Street
P.O. Box 1601
San Bernadino, California 92402-1601

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
RONALD OAKLEY BAILEY, M.D.

CONSENT
ORDER

BPMC #96-249

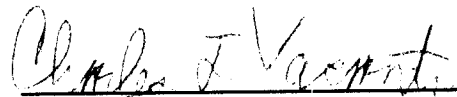
Upon the application of RONALD OAKLEY BAILEY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 by certified mail, whichever is earliest.

SO ORDERED.

DATED: 18 October 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
RONALD OAKLEY BAILEY, M.D.**

**APPLICATION
FOR
CONSENT ORDER**

STATE OF CALIFORNIA)
COUNTY OF) ss.:

RONALD OAKLEY BAILEY, M.D., being duly sworn, deposes and says:

That on or about May 1, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 145896 by the New York State Education Department.

My current addresses are 16725 Sky Crest Drive, Riverside, CA 92504 and 6780 Indiana Avenue, Riverside, CA 92506, and I will advise the Director of the Office of Professional Medical Conduct of any change of my addresses.

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".

I admit guilt to the specification of misconduct in full satisfaction of the charges against me. I hereby agree that my license to practice as a physician shall be suspended for a period of one year, that said suspension shall be stayed, and that I shall be placed on probation, subject to the terms set forth in Exhibit "B" which is attached, for a period of three years, with said probation to be tolled until and unless I engage in the active practice of medicine in New York State.

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

I understand that, in the event that this Application is not granted by the Board, 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 shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Ronald Oakley Bailey
 RONALD OAKLEY BAILEY, M.D.
 RESPONDENT

Sworn to before me this

day of *Oct 7*, 19*96*

Diana McKnight
 NOTARY PUBLIC



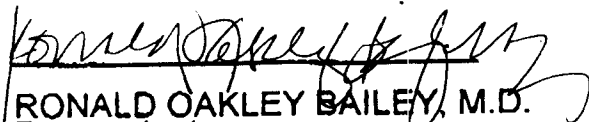
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RONALD OAKLEY BAILEY, M.D.


APPLICATION
FOR
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 7-24-96


RONALD OAKLEY BAILEY, M.D.
Respondent

DATE: 10-9-96


DON C. BROWN, ESQ.
Attorney for Respondent

DATE: _____

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 10/15/96

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 18 October 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
RONALD OAKLEY BAILEY, M.D.

STATEMENT
OF
CHARGES

RONALD OAKLEY BAILEY, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 1, 1981, by the issuance of license number 145896 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 15, 1996, the Medical Board of California, Division of Medical Quality (California Board) issued a Decision effective April 15, 1996, revoking Respondent's medical license, staying the revocation, and placing Respondent on probation for three years with terms and conditions including, *inter alia*: a partial restriction on his prescribing of controlled substances; that he abstain from personal use or possession of drugs; that he enroll in and successfully complete an approved course in Prescribing Practices; that he maintain records for all controlled substances prescribed, dispensed or administered; that his practice (neurology) shall be monitored by another neurologist and the monitor shall provide periodic reports to the California Board; and that he submit to biological fluid testing, upon the request of the California Board. Respondent subjected his license to disciplinary action under California Business and Professions Code sections 2220, 2227 and 2234 on the grounds of unprofessional conduct as defined in Business and Professions Code sections 2234(a), 2238 and 2239(a) by reason, *inter alia*, of his admission that, between October 7, 1992 and January 28, 1993, on at

least eight occasions, he self-administered anabolic steroids without proper medical indication and legitimate medical purpose and that between February 1992 and March 29, 1993, he failed to maintain the required drug records for the purchase, prescription, sale and administration of anabolic steroids for his personal use and the use of others.

SPECIFICATION OF CHARGES
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1996) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her 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 a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(2)(8) and/or (35) as alleged in the facts of the following:

1. Paragraph A.

DATED: September 19, 1996
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ROBERT OAKLEY BAILEY, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent 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 Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;

7. Respondent shall cooperate and respond in a timely manner to requests from the Office of Professional Medical Conduct to provide periodic written verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a member of the Office of Professional Medical Conduct at the discretion of the Director of the Office, if so requested by the Director or her designee.
8. Respondent shall be subject to the following terms, conditions, and limitations:
 - a. Respondent shall remain drug and alcohol free ("drug" shall, for purposes of this consent application and order, include but not be limited to, anabolic steroids).
 - b. Respondent's sobriety shall be monitored by a qualified health care professional selected by Respondent and approved by the Director of the Office of Professional Medical Conduct, in accordance with the terms of this Order. Said monitor shall not be a personal friend of Respondent nor a family member nor shall he/she be in a professional relationship which would pose any conflict with his/her monitoring and reporting responsibilities. Respondent shall cause said monitor to acknowledge his/her willingness to comply with the monitoring by executing the acknowledgement provided by the Office of Professional Medical Conduct.
 - i. Said monitor shall be familiar with Respondent's history of substance abuse, with this order and with the conditions of practice set forth in or annexed to the Order. Said monitor shall not be Respondent's treating physician.
 - ii. Said monitor shall see Respondent at least once each month.
 - iii. Said monitor shall direct Respondent to submit to unannounced observed tests of his blood and/or urine for the presence of drugs or alcohol at a frequency no less than four tests per month for the first 12 months of the period of probation, then at a frequency to be determined as appropriate by the sobriety monitor and approved by the OPMC. Respondent shall report for a urine drug screen within four hours of being contacted by the sobriety monitor. The sobriety monitor shall report to the Office of Professional Medical Conduct (the Office) within 24 hours if at any time such a test is refused by Respondent or is positive.
 - iv. Said monitor shall report to the Office a pattern of noncompliance with the imposed conditions.
 - vi. Said monitor shall submit to the Office quarterly reports either certifying Respondent's compliance, or detailing his failure to comply, with each of the conditions imposed. The reports shall include the results of all body fluid and/or

- breath tests for drugs and/or alcohol performed during that quarter.
- c. Respondent shall be supervised in his medical practice by a licensed physician, whose identity shall be approved by the Director of the Office of Professional Medical Conduct. Said supervising physician shall be familiar with Respondent's history of and with the Order and its conditions. Said supervising physician shall be in a position regularly to observe and assess Respondent's medical practice. Respondent shall cause said supervising physician to acknowledge his/her willingness to comply with the supervision by executing the acknowledgement provided by the Office of Professional Medical Conduct.
- i. Said supervising physician shall have the authority to direct Respondent to submit to unannounced tests of blood, breath, and/or urine for the presence of drugs or alcohol and shall report to the Office within 24 hours if at any time such a test is refused by Respondent or is positive.
 - ii. Said supervising physician shall submit to the Office quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying Respondent's compliance or detailing his failure to comply with each condition imposed.
 - iii. The practice supervisor will report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possibility of misconduct to the OPMC.
- d. Respondent shall continue in treatment with a health care professional or a treatment program for as long as the health care professional or treatment program determines it is necessary.
- i. Respondent's treating health care professional or program shall submit to the Office quarterly reports certifying that Respondent is complying with the treatment.
 - ii. Said treating health care professional or program shall report to the Office immediately if Respondent drops out of treatment, or if he demonstrates any significant pattern of absences.
 - iii. Respondent shall cause said treating health care professional or program shall acknowledge his/her/its willingness to comply with the above-mentioned reporting by executing the acknowledgement provided by the Office of Professional Medical Conduct.

9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of

these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

10.

The period of probation shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall, within 30 days of the effective date of this Consent Order, notify the Director of the Office of Professional Medical Conduct, in writing, as to whether or not he is so engaged. Furthermore, until completion of the term of probation, he shall notify the Director, in writing, prior to any change in that status.