



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

November 2, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Clifford Backup, M.D.
335 Norwood Road
Downington, Pennsylvania 19335

RE: License No. 070086

Effective Date: 11/09/95

Dear Dr. Backup:

Enclosed please find Order #BPMC 95-259 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: Timothy Mahar, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : FINAL

OF : ORDER

CLIFFORD BACKUP, M.D. : BPMC #95-259

-----X

Upon the Application of CLIFFORD BACKUP, M.D., 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: 30 October, 1995

Charles J. Vacanti

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
CLIFFORD BACKUP, M.D. : LICENSE

-----X

STATE OF PENNSYLVANIA)

ss.:

COUNTY OF YORK)

CLIFFORD BACKUP, M.D., being duly sworn, deposes and says:

On or about April 27, 1950, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 070086 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.

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 permission to surrender my license as a physician in the State of New York.

I hereby plead no contest to the allegations and Specifications contained in the Statement of Charges (Exhibit A).

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

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.

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.

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

Clifford Backup, Jr.
CLIFFORD BACKUP, M.D.

Respondent

Sworn to before me this
17th day of *October*, 1995

Claudette R. Lynch
NOTARY PUBLIC

NOTARIAL SEAL
CLAUDETTE LYNCH, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 12, 2002

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT


-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
CLIFFORD BACKUP, M.D. : LICENSE

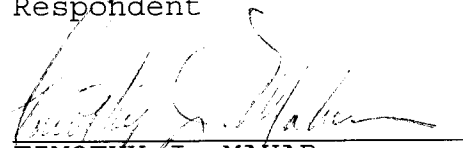
-----X

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

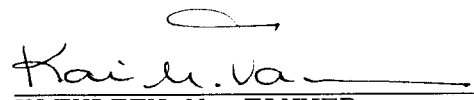
Date: Oct 21, 1995


CLIFFORD BACKUP, M.D.
Respondent


Date: October 25, 1995


TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Oct. 26, 1995


KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 30 October, 1995


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 : STATEMENT
OF : OF
CLIFFORD BACKUP, M.D. : CHARGES

-----X

CLIFFORD BACKUP, M.D., the Respondent, was authorized to practice medicine in New York State on April 27, 1950, by the issuance of license number 070086 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. Pursuant to a consent agreement entered into by Respondent and the Pennsylvania State Board of Medicine (Pennsylvania Board) dated March 16, 1994, the Pennsylvania Board of Medicine issued an order dated April 26, 1994, imposing the following discipline upon Respondent:

1. Restricted Respondent's medical license to require for a two year period that all prescriptions for narcotics issued by Respondent be countersigned by Stuart D. Levy, D.O.;
2. Required Respondent to complete 80 hours of continuing medical education in the subject area of prescribing controlled substances;
3. Required Respondent to pay a \$10,000.00 (ten thousand) fine;
4. Issued a public reprimand against Respondent.

2. The conduct underlying the Pennsylvania's Board imposition of discipline upon Respondent consisted of, among other things, the following:

- a. Respondent prescribed Dilaudid for patient S.M. for a six year period beginning on June 5, 1986, during which time Respondent knew or should of known that Patient S.M. was addicted to Dilaudid and/or that Patient S.M. was misusing the narcotic, diverting the narcotic to others and/or forging prescriptions on Respondent's prescription pad for the narcotic.
- b. Respondent failed to establish a diagnosis for Patient S.M. justifying the prescriptions written.
- c. Respondent failed to maintain adequate medical records for Patient S.M.

3. The conduct upon which the Pennsylvania Board took disciplinary action against Respondent's license would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing the profession with negligence on more than one occasion] and/or §6530(5) [practicing the profession with incompetence on more than one occasion]; and/or 6530(4) [practicing the profession with gross negligence]; and/or 6530(6) [practicing the profession with gross incompetence]; and/or 6530(32) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient].

SPECIFICATION

Respondent is charged with professional misconduct under the meaning of N.Y. Educ. Law §6509(9)(d) (McKinney Supp. 1995) by reason of having disciplinary action taken against his license to practice medicine by a duly authorized and professional disciplinary agency of another state, where the conduct resulting in disciplinary action involving the licensee 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, 2 and/or 3.

DATED: , 1995

Albany, New York

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