



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

C. Maynard Guest, M.D.
Executive Secretary

August 4, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jerome Lurie, M.D.
1270 North Avenue
New Rochelle, New York 10804

RE: License No. 079676

Effective Date: 08/11/95

Dear Dr. Lurie:

Enclosed please find Order #BPMC 95-164 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,

C. Maynard Guest, M.D.

Executive Secretary

Board for Professional Medical Conduct

cc: Walter Marcus, Esq.
80 John Street, 20th floor
New York, New York 10038

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
JEROME L. LURIE, M.D.

CONSENT
ORDER
BPMC #95-164

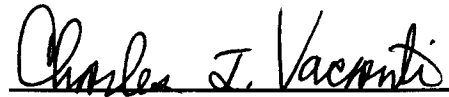
Upon the application of JEROME L. LURIE, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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: 3 August 1995



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
JEROME L. LURIE , M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

JEROME L. LURIE, M.D., being duly sworn, deposes and says:

That on or about November 18, 1957, I was licensed to practice as a physician in the State of New York, having been issued License No. 79676 by the New York State Education Department.

My current address is 1270 North Avenue, New Rochelle, New York 10804 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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 one specification, in full satisfaction of the charges against me. I hereby agree to five years probation as set forth in the annexed Exhibit B, annexed hereto, and made a part hereof.

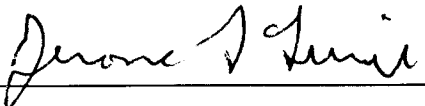
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



JEROME L. LURIE, M.D.
RESPONDENT

Sworn to before me this
15th day of July, 1995


NOTARY PUBLIC

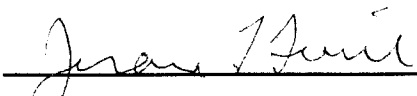
GAROL COVLIN
Notary Public, State of New York
No. 4833176
Qualified in Westchester County
Expires April 6, 1997


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

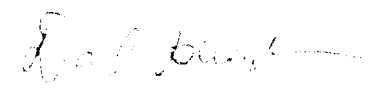
IN THE MATTER
OF
JEROME L. LURIE, M.D.

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: 7/15/95 
JEROME L. LURIE, M.D.
Respondent

DATE: 7/24/95 
WALTER MARCUS, ESQ.
Attorney for Respondent

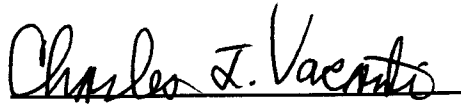
DATE: 7/24/95 
DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: Aug 2, 1995



KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 3 August 1995



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
JEROME L. LURIE, M.D.

STATEMENT
OF
CHARGES

JEROME L. LURIE, M.D., the Respondent, was authorized to practice medicine in New York State on November 18, 1957, by the issuance of license number 79676 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent is a board certified psychiatrist and anesthesiologist. On or about and between 1982 and until at least March 11, 1992 the Respondent abused alcohol. The Respondent's substance abuse has included the binge drinking of alcohol.
- B. On or about and between March, 1991 and through at least October, 1994, Respondent suffered from depression. Respondent's depressive illness has included symptoms of anhedonia, decreased concentration, listlessness, dysphoric mood, difficulty in making decisions, weight gain and intermittent insomnia.

SPECIFICATION OF CHARGES

SPECIFICATION

HAVING A PSYCHIATRIC CONDITION AND THE HABITUAL ABUSE OF ALCOHOL

Respondent is charged with professional misconduct within the meaning of N.Y., Educ. Law Section 6530(8) (McKinney Supp. 1995), by having a psychiatric condition which impairs the licensee's ability to practice medicine and with being a habitual abuser of alcohol, in that Petitioner charges:

1. The facts in paragraphs A and B.

DATED: New York, New York
June , 1995

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. JEROME L. LURIE, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his/her 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. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. 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);
7. Respondent shall remain drug and alcohol free from mood altering substances other than those prescribed for his treatment by a licensed physician aware of his history. Respondent shall not self-prescribe any medications.

8. Respondent shall be monitored by a qualified health care professional ("Sobriety Monitor") approved by the Office of Professional Medical Conduct ("OPMC"). Respondent shall submit the name of a proposed Sobriety Monitor within seven days of the effective date of this order.
 - a. Respondent shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve. The Sobriety Monitor shall oversee Respondent's compliance with the terms of probation imposed herein and shall cause to be performed random, supervised, unannounced blood, breathalyzer and/or urine tests for the presence of alcohol and other drugs. Respondent shall be screened two (2) times per month for the first six months. After that period of time, specimens shall be collected at the discretion of the monitor. The frequency of collection of samples by the sobriety monitor shall be subject to the approval of the OPMC.
 - b. The Sobriety Monitor shall notify the OPMC immediately if Respondent refused such a test.
 - c. The Sobriety Monitor shall notify the OPMC immediately if such a test reveals or if the monitor otherwise learns the Respondent is not alcohol/drug free.
 - d. Every three months, the Sobriety Monitor shall submit to the OPMC a report certifying compliance with each of the terms of probation or describing in detail any failure to comply. The quarterly reports shall include the results of all tests for the presence of alcohol and other drugs performed during that quarter.
 - e. The Sobriety Monitor shall have the capacity to perform urine drug screens seven days per week.
9. Respondent shall be supervised in a medical practice by a licensed physician ("Supervisor") approved by the OPMC, familiar with Respondent's history of chemical dependency and with the terms of this Application for Consent Order. Respondent shall submit the name of a Supervisor to OPMC within seven days of the effective date of this order.
 - a. Respondent shall obtain a successor Supervisor subject to the approval of the Office of Professional Medical Conduct within seven (7) days of Respondent's becoming aware that the original supervising physician will no longer serve in that capacity.
 - b. The Supervisor shall submit a report to the Office of Professional Medical Conduct every three (3) months regarding the quality of Respondent's medical practice, any unexplained absences from work and Respondent's compliance or failure to comply with each condition described within this Application for Consent Order.
 - c. The Supervisor shall have the capability of taking a "stat" specimen from the Respondent for a toxicological screen in response to any complaint or observation that indicates Respondent may not be drug or alcohol free.

- d. The Supervisor shall oversee Respondent's prescribing, administering, dispensing, inventorying and wasting of controlled substances.
 - e. The Supervisor shall notify the OPMC immediately if Respondent violates any terms of this Order.
10. Respondent shall continue in treatment with a qualified health care professional ("Therapist") or a successor approved by the OPMC, for as long as the Therapist deems it necessary. Respondent shall submit the name of the Therapist to OPMC for approval within 7 days of the effective date of the Order.
- a. The Therapist shall submit a report to the Office of Professional Medical Conduct every three months certifying compliance with treatment by Respondent and describing in detail any failure to comply.
 - b. The Therapist shall report immediately to the Office of Professional Medical Conduct any significant pattern of absences or discontinuation of recommended treatment by Respondent.
 - c. OPMC shall reserve the authority to have Respondent undergo an independent evaluation every six (6) months by a practitioner approved by OPMC who specializes in psychiatry and/or chemical dependency issues. A report of such assessment shall be submitted promptly to OPMC.
11. Respondent shall not treat or prescribe for himself or any member of his family.
12. Respondent shall inform all physicians or other health care practitioners from whom he seeks treatment of his history. Should he be prescribed any controlled or mood altering substances, he shall notify his Sobriety Monitor and OPMC before such medications are administered.
14. OPMC shall reserve the right to conduct on site review of Respondent's office, office records, hospital practice and hospital records at least semi-annually.
15. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her 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.