



**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

September 6, 1995

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Orrin W. Palmer, M.D.  
6397 Kelly Court  
Frederick, Maryland 21701

RE: License No. 170957  
Effective Date: 09/13/95

Dear Dr. Palmer:

Enclosed please find Order #BPMC 95-208 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

Enclosure

cc: Jack C. Tranter, Esq.  
Gallagher, Evelius & Jones  
Park Charles Suite 400  
218 North Charles Street  
Baltimore, Maryland 21201

Irene Koch, Esq.

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

IN THE MATTER  
OF  
ORRIN WILLIAM PALMER, M.D.

CONSENT  
ORDER  
BPMC #95-208

Upon the application of ORRIN WILLIAM PALMER, 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: 1 September 1995

Charles J. Vacanti

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

AUG 14 1995

RECEIVED

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

IN THE MATTER  
OF  
ORRIN WILLIAM PALMER, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF MARYLAND )  
COUNTY OF ) ss.:

ORRIN WILLIAM PALMER, M.D., being duly sworn, deposes and says:

That on or about July 20, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 170957 by the New York State Education Department.

My current address is 6397 Kelly Court, Frederick, Maryland 21701-8656, 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 Eleven specifications of professional misconduct.

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

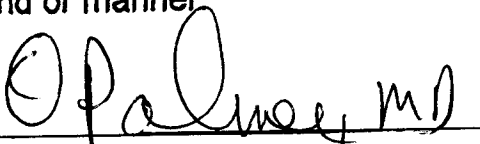
I admit guilt to the Ninth Specification, in full satisfaction of the charges against me. I hereby agree to the penalty that my license to practice medicine be suspended for a period of two years, and said suspension be entirely stayed, and that I be placed on probation for a period of two years subject to the terms of Exhibit "B", annexed hereto and made a part hereof, and that such probation be tolled until and unless I commence 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

  
ORRIN WILLIAM PALMER, M.D.  
RESPONDENT

Sworn to before me this

31<sup>ST</sup> day of July, 1995

  
NOTARY PUBLIC

My Commission Expires: 080198

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

IN THE MATTER  
OF  
ORRIN WILLIAM PALMER, 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: 7/31/95

O Palmer, MD

ORRIN WILLIAM PALMER, M.D.  
Respondent

DATE: 8/4/95

Jack C. Tranter

JACK C. TRANTER, ESQ.  
Attorney for Respondent

DATE: 8/28/95

Irene Koch

IRENE M. KOCH  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: Aug. 30, 1995

Kathleen M. Tanner

**KATHLEEN M. TANNER**  
Director  
Office of Professional Medical  
Conduct

DATE: 1 September 1995

Charles J. Vacanti

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

EXHIBIT "B"  
TERMS OF PROBATION

1. ORRIN WILLIAM PALMER, 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 notification to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, prior to commencing or resuming the active practice of medicine in New York State, that he intends to practice medicine in New York State;
4. Respondent shall not commence or resume the active practice of medicine in New York State until after he has obtained approval by the Director of the Office of Professional Medical Conduct as to the terms of the monitoring and supervision of his practice. The monitoring and supervision required as part of the Terms of Probation shall remain in effect and shall not be interrupted or interfered with in any way;
5. 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;
6. 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;
7. Respondent shall cooperate with the monitoring of Respondent's practice in New York by a monitor approved by the Director of the Office of Professional Medical Conduct. During the term of probation, Respondent's office and hospital practice shall be supervised and monitored by a licensed physician in a position to regularly observe and assess

Respondent's medical practice ("practice supervisor"). The practice supervisor(s), and any successor practice supervisor(s) shall be selected by Respondent, subject to approval of the Director of the Office of Professional Medical Conduct, and shall not be a personal friend, nor a relative, of Respondent. The practice supervisor shall review Respondent's professional performance and practice, shall evaluate whether Respondent's care and treatment comport with generally accepted standards of medical practice, and shall meet with Respondent once every quarter, or, more often if the practice supervisor in his/her sole discretion deems it necessary, to discuss his practice. Supervision by the practice supervisor may include: unannounced review of Respondent's patient records; unannounced actual observation of his treatment of patients; unannounced review of his ordering, administering and inventorying of all controlled substances; interviews of Respondent and any other reasonable means of monitoring Respondent's practice. The practice supervisor shall be familiar with the Terms of Probation contained herein, and shall acknowledge his/her willingness to comply with the supervision and monitoring by executing an acknowledgement provided by OPMC. The practice supervisor shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying his compliance or detailing his failure to comply with the Terms of Probation. The practice supervisor shall report immediately to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation;

8. Respondent shall meet with an OPMC Medical Coordinator on a quarterly basis for review of Respondent's patient records and discussion of Respondent's medical practice to determine whether Respondent's care and treatment comport with generally accepted standards of practice. Respondent will maintain legible and complete medical records which accurately reflect his evaluation and treatment of patients. Any deviation from accepted medical practice identified during the probation period may result in an independent medical review and could lead to additional investigation or charges;
9. Respondent shall continue in therapy with a psychiatrist licensed in the State of New York and approved by the Director of OPMC, for as long as the psychiatrist determines it is necessary. Any subsequent psychiatrist must also be approved by the Director of OPMC. At such time as said psychiatrist determines that treatment is no longer necessary, the psychiatrist shall so notify the Director of OPMC in writing. Said psychiatrist shall submit to the Director of OPMC written quarterly reports regarding Respondent's condition and his fitness or impairment for the practice of medicine. Said psychiatrist shall report to the Director of OPMC, within 24 hours, any discontinuance by Respondent of treatment or any significant pattern of absences from scheduled treatment sessions.
10. Respondent shall remain under the care of a neurologist licensed in the State of New York and approved by the Director of OPMC. Any subsequent neurologist must also be approved by the Director of OPMC. Said neurologist shall have sole authority for prescribing controlled substances, if any, to Respondent. Respondent shall arrange for all treating physicians or other health care practitioners (including Respondent's psychiatrist) wishing to prescribe or administer controlled substances to Respondent, to give prior notice to said neurologist and to the Director of OPMC of such plans. If, during emergency medical treatment, controlled substances are administered to Respondent without prior notice to said neurologist and to the Director of OPMC, Respondent shall provide notice to those individuals at the earliest opportunity. Said



neurologist shall submit to the Director of OPMC written quarterly reports regarding Respondent's condition and his fitness or impairment for the practice of medicine, which reports shall address the use, if any, of controlled substances by Respondent. Said neurologist shall report to the Director of OPMC, within 24 hours, any discontinuance by Respondent of treatment or any significant pattern of absences from scheduled treatment sessions.

11. Respondent shall inform all treating physicians or other health care practitioners, including Respondent's practice supervisor, his psychiatrist and his neurologist, of his history of chemical dependency. Respondent shall not self-prescribe any medications.
12. Respondent shall assume and bear all costs related to compliance with the Terms of Probation;
13. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
14. 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);
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.

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
ORRIN WILLIAM PALMER, M.D. : CHARGES

-----X

ORRIN WILLIAM PALMER, M.D., the Respondent, was authorized to practice medicine in New York State on July 20, 1987, by the issuance of license number 170957 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

- A. Respondent, a physician engaged in the practice of psychiatry, treated Patient A, a 20 year old female, at his home which is located at 6397 Kelly Court, Frederick, Maryland, and over the telephone, from approximately October 1990 to approximately March, 1992, for her Tourette Syndrome and/or related symptoms. (The identity of Patient A is disclosed in the attached Appendix).
1. In the course of his treatment of Patient A, Respondent engaged in inappropriate conduct as follows:

- a. On various occasions in or about November, 1990, while Patient A was Respondent's patient, Respondent engaged in sexual intercourse with Patient A.
  - b. On various occasions in or about November, 1990, Respondent and Patient A smoked marijuana together at Respondent's home, which marijuana was provided by Respondent.
2. Respondent inappropriately prescribed Percocet for Patient A, as follows:
- a. In or about November, 1990, Respondent falsely prescribed Percocet in the name of Patient A, knowing that such drug was not intended solely for Patient A, and then proceeded to share the drug with her.
  - b. On a second occasion, in or about November, 1990, Respondent falsely prescribed Percocet in the name of Patient A, knowing that such drug was not intended for Patient A's use.
    - i. Respondent kept and used the prescribed Percocet, himself.

3. Respondent failed to take a medical history and/or perform a physical examination on Patient A.
  4. Respondent failed to make or keep an adequate record for Patient A.
- B. From in or about 1990 to in or about April, 1992, Respondent treated himself for his own Tourette Syndrome and/or related symptoms, and, in doing so, engaged in inappropriate behavior as follows:
1. In or about November, 1991, Respondent self-dispensed 1000 Oxycodone 5 mg tablets for his personal use and proceeded to consume all of these pills himself during the next few months.
  2. In or about January, 1992, Respondent self-dispensed 1000 Oxycodone 5 mg tablets for his personal use and proceeded to consume all of these pills himself during the next few months.
  3. From in or about 1990 to in or about April, 1992, Respondent personally escalated his own dose of Oxycodone from 2-3 tablets per day, to approximately 13 tablets per day, without monitoring.
  4. In or about November, 1990, Respondent prescribed

Percocet for Patient A, as delineated above in paragraphs A.2.a, A.2.b, and/or A.2.b.i.

- C. In on or about November, 1991, Respondent provided Individual B, who has Tourette Syndrome and/or related symptoms, with Oxycodone during a Tourette Syndrome Association National Conference, notwithstanding that he knew she was a recovering substance abuser. (The identity of Individual B is disclosed in the attached Appendix).
1. Respondent failed to take a medical history and/or perform a physical examination on Individual B.
  2. Respondent failed to make or keep an adequate record for Individual B.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**PHYSICAL CONTACT OF A SEXUAL NATURE  
BETWEEN LICENSEE AND PATIENT**

Respondent is charged with engaging in physical contact of a sexual nature between a licensee and patient in the practice of psychiatry under N.Y. Educ. Law Section 6530(44) (McKinney Supp. 1995), in that Petitioner charges:

1. The facts contained in paragraphs A, A.1, and/or A.1.a.

**SECOND SPECIFICATION****WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT**

Respondent is charged with willfully harassing, abusing or intimidating a patient either physically or verbally, under N.Y. Educ. Law Section 6530(31) (McKinney Supp. 1995), in that Petitioner charges:

2. The facts contained in paragraphs A, A.1, A.1.a, and/or A.1.b.

**THIRD SPECIFICATION****MORAL UNFITNESS**

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine, under N.Y. Educ. Law Section 6530(20) (McKinney Supp. 1995), in that Petitioner charges:

3. The facts contained in paragraphs A, A.1, A.1.a, and/or A.1.b.

**FOURTH SPECIFICATION****NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1995), in that Petitioner charges Respondent with having committed two or more of the following:

4. The facts contained in paragraphs A, A.1, A.1.a, A.1.b,

A.2, A.2.a, A.2.b, A.2.b.i, A.3, and/or A.4; and paragraphs C, C.1 and/or C.2.

**FIFTH SPECIFICATION**

**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1995), in that Petitioner charges Respondent with having committed two or more of the following:

5. The facts contained in paragraphs A, A.1, A.1.a, A.1.b, A.2, A.2.a, A.2.b, A.2.b.i, A.3, and/or A.4; and paragraphs C, C.1 and/or C.2.

**SIXTH THROUGH SEVENTH SPECIFICATIONS**

**PRACTICING WITH GROSS NEGLIGENCE**

Respondent is charged with practicing the profession with gross negligence on a particular occasion under N.Y. Educ. Law Section 6530(4) (McKinney Supp. 1995), in that Petitioner charges Respondent with having committed the following:

6. The facts contained in paragraphs A, A.1, A.1.a, A.1.b, A.2, A.2.a, A.2.b, A.2.b.i, A.3, and/or A.4.
7. The facts contained in paragraphs C, C.1, and/or C.2.

**EIGHTH SPECIFICATION**  
**PRACTICING FRAUDULENTLY**

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1995), in that he practiced the profession fraudulently, in that Petitioner charges:

8. The facts contained in paragraphs A, A.2, A.2.a, A.2.b and/or A.2.b.i.

**NINTH SPECIFICATION**  
**HABITUAL USER**

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(8) (McKinney Supp. 1995), in that he was dependent on or a habitual user of narcotics, or other drugs having similar effects, without being maintained on an approved therapeutic regimen which did not impair his ability to practice, in that Petitioner charges:

9. The facts contained in paragraphs B, B.1, B.2, B.3, and/or B.4.

**TENTH THROUGH ELEVENTH SPECIFICATIONS**  
**FAILING TO MAINTAIN ACCURATE RECORDS**

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1995), in that he failed to maintain a record for each patient which accurately



reflects his evaluation and treatment of the patient, in that  
Petitioner charges:

10. The facts contained in paragraphs A and/or A.4.
11. The facts contained in paragraphs C and/or C.2.

DATED: *June 27*, 1995  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct