

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

September 20, 1991

Alexander Ricci, Physician
300 East 85th Street - Apt. 3602
New York, New York 10028

Re: License No. 151246

Dear Dr. Ricci:

Enclosed please find Commissioner's Order No. 12123. This Order goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order in your case is a revocation, surrender, or an actual suspension (suspension which is not wholly stayed) of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. 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.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you may, pursuant to Rule 24.7 (b) of the Rules of the Board of Regents, a copy of which is attached, apply for restoration of your license after one year has elapsed from the effective date of the Order and the penalty; but said application is not granted automatically.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er

CERTIFIED MAIL - RRR

cc: Robert S. Asher, Esq.
295 Madison Avenue
New York, New York 10017

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

ALEXANDER RICCI

CALENDAR NO. 12123



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

ALEXANDER RICCI

No. 12123

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

ALEXANDER RICCI, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On June 27, 1991, respondent appeared before us in person and was represented by Robert S. Asher, Esq. David W. Smith, Esq., represented the Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for five years, the suspension be stayed, and respondent be placed on probation for five years, including probation terms usually imposed upon an impaired physician in a temporary surrender.

ALEXANDER RICCI (12123)

Respondent's written recommendation as to the penalty to be imposed, should respondent be found guilty, was entry into the Department of Health's Impaired Physician Program.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. By Stipulation and Order signed on September 4, 1990 by William F. Leavy, on behalf of the Commissioner of Health, respondent admitted and the Commissioner of Health found violations of Public Health Law Article Thirty-three, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge involves respondent's administering controlled substances to himself, on a regular basis between January, 1983 and February, 1985, as an habitual user of such controlled substances for the purpose of maintaining his addiction or habituation.

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED

Respondent's license to practice as a physician in the State of New York be suspended for three years, that execution of said suspension be stayed, and respondent be placed on probation for three years in accordance with the terms of probation which are annexed hereto, made a part hereof, and marked as Exhibit "B".

In arriving at the penalty we recommend, we have considered all of the circumstances herein, including respondent's prior use of controlled substances; his seeking treatment as far back as the Spring of 1987; respondent having suffered two relapses; respondent being drug-free for approximately two years and several months while in his present treatment program; petitioner seeking a five year period during which respondent would continue in a treatment program; respondent's witnesses indicating that one additional year in a treatment program would suffice; the acknowledgement by respondent and one of his witnesses that there is no guarantee that a recovering addict is cured; the requirement that respondent "voluntarily refrain" from using New York State official prescription forms for five years except, in the event it is necessary for his practice, respondent may prescribe Percodan and Percocet for ophthalmologic patients only during those five years; and the terms of probation we are recommending.

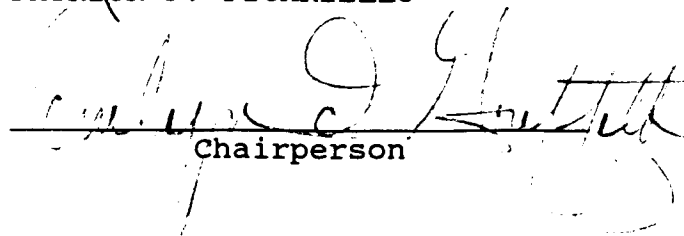
ALEXANDER RICCI (12123)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: 7/31/9.

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ALEXANDER RICCI, M.D. : CHARGES
-----X

ALEXANDER RICCI, M.D., Respondent, was authorized to practice medicine in New York State on August 13, 1982 by the issuance of license number 151246 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1990 to December 31, 1992.

SPECIFICATION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(c) (McKinney 1985), by having been found guilty by the Commissioner of Health ("Commissioner") of the State of New York of the violation of Article Thirty-Three of the N.Y. Public Health Law.

On September 4, 1990 the Commissioner issued a Stipulation and Order ("Order") in which he found that Respondent, on a regular basis between January 1983 and February 1985,

regular basis between January 1983 and February 1985, administered controlled substances to himself as an habitual user of such controlled substances for the purpose of maintaining his addiction or habituation.


The Order assessed a fine of \$10,000 of which \$6,000 was suspended contingent upon compliance with the terms of the Order which included, inter-alia:

- a. A prohibition against using New York State official prescription forms for five (5) years except for the prescription of Percodan and Percocet for Respondent's ophthalmologic patients only;

- b. Payment of \$200 per month until the required \$4,000 of the fine was paid.

Respondent's acts as found by the Commissioner constitute a violation of N.Y. Educ. Law, Section 6509(5)(c) (McKinney 1985) (Having been found guilty by the Commissioner of a violation of Article 33 of the N.Y. Public Health Law.)

DATED: New York, New York
May 22, 1991

A handwritten signature in black ink, appearing to read "Chris Stern Hyman", written over a horizontal line.

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

ALEXANDER RICCI

CALENDAR NO. 12123

1. That, during the period of probation, respondent shall have respondent's practice monitored, at respondent's expense, as follows:
 - a. That said monitoring shall be by a physician selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
 - b. That respondent shall be subject to random selections and reviews by said monitor of respondent's patient and office records in regard to respondent's practice, and respondent shall also be required to make such records available to said monitor at any time requested by said monitor;
 - c. That said monitor shall submit a report, once every four months, regarding the above-mentioned monitoring of respondent's practice to the Director of the Office of Professional Medical Conduct; and
 - d. That respondent shall obtain a successor monitor to perform all monitoring functions referred to in term of probation 1, subject to the approval of the Office of Professional Medical Conduct, within seven days of respondent's becoming aware that the original monitor will no longer serve as a monitor.
2. That respondent, all at respondent's expense, shall submit himself for monitoring in regard to the use of drugs and alcohol by a health care professional to be chosen by respondent and approved by the New York State Department of Health, after obtaining prior written approval by the New York State Department of Health, said monitor to conduct a random examination of respondent at least once every month during the period of probation, at such times as said monitor may choose, said examination to include urine samples for the detection of any drug and/or alcohol in respondent. Respondent shall submit or cause to be submitted a written report from and signed by said monitor, once every three months during the period of probation, in which said monitor

shall state whether respondent is in compliance and whether, the presence of any drugs and/or alcohol has been detected by virtue of the said examination(s) and shall also indicate the name of said drugs. In the event any drugs and/or alcohol is detected, the respondent shall, within 24 hours of said detection, submit a sworn affidavit explaining the use of said drugs and/or alcohol, as well as any other papers respondent wishes to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York state Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that respondent is not drug and/or alcohol-free or not fit to practice his profession, such information shall be processed for determination. Respondent shall obtain a successor monitor to perform all monitoring functions referred to in term of probation 2, subject to the approval of the Office of Professional Medical Conduct, within seven days of respondent's becoming aware that the original monitor will no longer serve as a monitor;

3. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That 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, no later than the first three months of the period of probation; and

- d. That respondent shall submit written proof to the New York State Department of Health, 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 to the New York State Department of Health, 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 of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
- e. Respondent shall remain alcohol and drug-free;
- f. Respondent shall continue attending Alcoholics Anonymous and/or other similar peer support meetings at least twice a week and shall submit satisfactory proof of such attendance to the Director of the Office of Professional Medical Conduct on a quarterly basis;
- g. Respondent, all at respondent's expense, will continue in treatment with a health care professional or a successor treating health care professional approved by the Office of Professional Medical Conduct, as long as he is on probation. Respondent's treating health care professional shall submit to OPMC quarterly reports certifying respondent's compliance with the treatment. The treating health care professional shall report to OPMC

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immediately any discontinuation by respondent of treatment and shall report any significant pattern of absence from scheduled treatment sessions. If the treating health care professional deems it appropriate to terminate therapy before the probation period ends, respondent is granted leave to apply, after he has been in compliance with all terms of probation for one year, to the Director of the Office of Professional Medical Conduct for the termination of this term 3(g) for the remainder of the period of probation.

4. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings.

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

ALEXANDER RICCI

CALENDAR NO. 12123



The University of the State of New York

IN THE MATTER

OF

ALEXANDER RICCI
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 12123

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 12123, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (September 13, 1991): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of ALEXANDER RICCI, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; the charge involves respondent's administering controlled substances to himself, on a regular basis between January, 1983 and February, 1985, as an habitual user of such controlled substances for the purpose of maintaining his addiction or habituation; that respondent's license and registration to practice as a physician in the State of New York be suspended for three years; that execution of said suspension be stayed; that respondent be placed on probation for three years in accordance with the terms of probation prescribed by the Regents Review Committee; 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 terms of this vote;

ALEXANDER RICCI (12123)

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote 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 the respondent or five days after mailing by certified mail.

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 19th day of

September, 1991.

Thomas Sobol

Commissioner of Education

