



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 20, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nancy Franklin Beyer, M.D.
P O Box 140
Route 6
East Smethport Pennsylvania 16730

RE: License No. 116926

Dear Dr. Beyer:

EFFECTIVE DATE NOVEMBER 27, 1996

Enclosed please find Order #BPMC 96-275 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: Jonathan Marks, Esq.
350 Fifth Avenue - Suite 7912
New York, New York 10010

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
NANCY FRANKLYN BEYER, M.D.

SURRENDER
ORDER
BPMC #96-275

Upon the Application of NANCY FRANKLYN BEYER, M.D. (Respondent) to Surrender his/her 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: 15 November 1996

Charles J. Vacanti

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
NANCY FRANKLYN BEYER, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF NEW YORK)
COUNTY OF NEW YORK)

ss.:

NANCY FRANKLYN BEYER, M.D., being duly sworn, deposes and says:

On or about July 26, 1973, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 116926 by the New York State Education Department.

My current address is P.O. Box 140, Rt. 6, East Smethport, Pennsylvania.

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 on the grounds that I agree not to contest the allegations in the Statement of Charges, and/or cannot successfully defend against at least one of the acts of misconduct, in full satisfaction of the Statement of Charges.

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. 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.

Nancy Franklyn Beyer, M.D.
NANCY FRANKLYN BEYER, M.D.
Respondent

Sworn to before me this

5 day of Nov, 1996

Jonathan Marks
NOTARY PUBLIC

JONATHAN MARKS
Notary Public, State of New York
No. 31-4695544
Qualified in New York County
Commission Expires June 30, 1997

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

APPLICATION TO
SURRENDER
LICENSE

IN THE MATTER
OF
NANCY FRANKLYN BEYER, M.D.

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

Date: 11/6, 1996

Nancy Franklyn Beyer, M.D.

NANCY FRANKLYN BEYER, M.D.
Respondent

Date: 11/6, 1996

Jonathan Marks

JONATHAN MARKS, Esq.
Attorney for Respondent

Date: 11/7, 1996

Daniel Guenzburger

DANIEL GUENZBURGER, ESQ
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 11/13, 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical Conduct

Date: 15 November 1996

Charles J. Vacanti

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
NANCY FRANKLYN BEYER, M.D.**

**NOTICE OF
REFERRAL
PROCEEDING**

TO: Nancy Franklyn Beyer, M.D.
P.O. Box 140
East Smethport, PA 16730

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on September 10, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any

witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

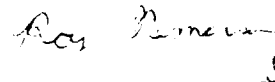
The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the

administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
AND/OR IMPOSES A FINE FOR EACH OFFENSE
CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY
TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
August 1, 1996



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Daniel Guenzburger
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2615

**IN THE MATTER
OF
NANCY FRANKLIN BEYER, M.D.**

**STATEMENT
OF
CHARGES**

Nancy Franklin Beyer, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 26, 1973, by the issuance of license number 116926 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 1, 1996 the Pennsylvania State Board of Medicine ("Board") denied Respondent's application for a license to practice medicine based upon 63 Pa. Cons. Stat. §422.41.(5) (1985), which authorizes the Board to deny a license to an applicant who is unable to practice medicine with skill and safety by virtue of a mental or physical illness. Respondent has a history of having suffered from paranoid delusions, has been involuntarily committed for psychiatric reasons, and has been found incompetent to defend criminal charges that had been filed against her.

SPECIFICATION OF CHARGES

SPECIFICATION

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(8)) (McKinney Supp. 1996) ("...Having a psychiatric condition which impairs the licensee's ability to practice."), as alleged in the facts of the following:

1. Paragraph A.

DATED: August , 1996
New York, New York

Roy Nemerson

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct