



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

January 22, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael F. Roark, M.D.
219 Mansion Avenue
Ogdensburg, New York 13669

RE: License No. 161048

Dear Dr. Roark:

Enclosed please find Order #BPMC 92-4 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 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X

IN THE MATTER :
OF : ORDER
MICHAEL FRANK ROARK, M.D. #BPMC 92-4
:

-----X

Upon the application of Michael Frank Roark, M.D., 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 the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 16 January 1992

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

IN THE MATTER : APPLICATION
OF : FOR
MICHAEL FRANK ROARK, M.D. : CONSENT
: ORDER

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

MICHAEL FRANK ROARK, M.D., being duly sworn, deposes and
says:

That on or about December 24, 1984, I was licensed to
practice as a physician in the State of New York, having been
issued License No. 161048, by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a physician in the State of New York
for the period January 1, 1991 through December 31, 1992 at 219
Mansion Avenue, Ogdenburg, New York.

I understand that the New York State Board of Professional
Medical Conduct has charged me with two 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 Specifications of misconduct as charged in the Statement of Charges.

I hereby agree to the penalty of censure and reprimand; and that I be placed on probation for a period of one year subject to the terms enumerated in Exhibit "B".

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.

No promises of any kind were made 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.

Michael Frank Roark, M.D.
MICHAEL FRANK ROARK, M.D.
Respondent

Sworn to before me this
13th day of December, 1981.

George E. Silver

NOTARY PUBLIC
GEORGE E SILVER
Notary Public, State of New York
No. 3667350
Qualified in St. Lawrence County
Commission Expires December 31, 1983

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

IN THE MATTER : APPLICATION
OF : FOR
MICHAEL FRANK ROARK, M.D. : 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: 12-13-91 *Michael Frank Roark*
MICHAEL FRANK ROARK, M.D.
RESPONDENT

Date: 1/3/92 *Daniel Guenzburger*
DANIEL GUENZBURGER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Jan 21, 1992 *Kathleen M. Tanner*
KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 16 January 1992 *Charles J. Vacanti*
CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR PROFESSIONAL
MEDICAL CONDUCT

"EXHIBIT A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MICHAEL F. ROARK, M.D. : CHARGES

-----X

MICHAEL F. ROARK, M.D., the Respondent, was authorized to practice medicine in New York State on December 24, 1984 by the issuance of license number 161048 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, 1991 to December 31, 1992 at 219 Mansion Avenue, Ogdensburg, New York.

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b), as added by ch. 606, laws of 1991, in that has been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

On or about June 2, 1989 the Colorado Board of Medical Examiners ("Board") adopted the Stipulation and Order entered into by the Respondent and the Board in which the Respondent admitted that he violated Colo. Rev. Stat. Sec. 12-36-117(1)(p) (1985). This statute defines as professional misconduct "two or more acts or omissions which fail to meet generally accepted standards of medical practice, whether the two or more acts or omissions occur during a single treatment of one patient, during the course of treatment of one patient, or during the treatment of more than one patient."

The Board found, based upon Respondent's admission in the Stipulation and Order, that Respondent improperly prescribed the controlled substance phendimetrazine for the treatment of obesity and that he failed to properly and adequately supervise non-physician personnel at the

Weight Control Clinic, RU2FAT, INC.

These acts, if committed in New York State would have constituted professional misconduct under N.Y. Educ. Law Section 6530(3), as added by ch. 606, laws of 1991.

The Board ordered that the Respondent sever his relationship with the Weight Loss Clinic, RU2FAT, Inc., refrain from prescribing amphetamines and other drugs in the treatment of obesity, and cease using the RU2FAT weight loss protocol. Further, in the event the Respondent practiced medicine in any specialty other than pathology, the Board required that he submit to having his practice monitored for three years.

SECOND SPECIFICATION

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(d), as added by ch. 696, laws of 1991, in that he had disciplinary action taken against his license by a duly authorized professional disciplinary

agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

The Petitioner repeats the allegations set forth in Specification One. Such conduct, if committed in New York State, would have constituted professional misconduct under New York Educ. Law Sec. 653(3), as added by Chapter 606, laws of 1991.

DATED: New York, New York

October 8, 1991



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

"EXHIBIT B"

TERMS OF PROBATION

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his 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, Empire State Plaza, Tower Building, Albany, New York 12237 of any employment and practice, of Respondent's residence address and telephone number, of any change in Respondent's employment, practice, residence, or telephone 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, no later than 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 of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. If Respondent practices medicine in any speciality other than pathology, the Respondent will be monitored in his medical practice by a licensed physician who shall be approved by the Office of Professional Medical Conduct.

- a. Said monitoring physician shall be familiar with the facts underlying the instant finding of professional misconduct by the NYS Board of Professional Medical Conduct.
 - b. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing the acknowledgement provided by the Office of Professional Medical Conduct.
 - c. Said supervising physician shall be in a position to regularly observe and assess Respondent's medical practice.
 - d. Said supervising physician shall submit to the OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying Respondent's compliance or detailing Respondent's failure to comply with each term of probation;
6. During the probationary period Respondent shall comply with the legal requirements for prescribing controlled substances and shall comply with all the terms or conditions of probation set forth in this document. In the event Respondent fails to comply with any terms or conditions of probation, Respondent shall be subject to disciplinary action and/or a violation of probation proceeding. If a committee on professional medical conduct of the State Board of Professional Medical Conduct determines that Respondent has violated any term or condition of probation, the Committee on Professional Medical Conduct may impose any additional penalty authorized pursuant to New York Educ. Law Sec. 6530, as added by ch. 606, laws of 1991;
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with these terms, or any other violation of probation, Respondent will be subject to a violation of probation proceeding pursuant to New York Public Health Law Sec. 230(19), as amended by ch. 606, laws of 1991.