



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 22, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harry Richard Black, M.D.
659 West Onondaga Street
Syracuse, NY 13204

Re: License No. 119574

Dear Dr. Black:

Enclosed please find Order #BPMC 98-147 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 22, 1998.**

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert Bogan, Esq.

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

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IN THE MATTER :
OF : CONSENT
HARRY RICHARD BLACK, M.D. : ORDER

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Upon the proposed agreement of HARRY RICHARD BLACK, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are
hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective as of the date
of the personal service of this order upon Respondent, upon
mailing of this order to Respondent at the address set forth in
this agreement or to Respondent's attorney by certified mail, or
upon transmission via facsimile to Respondent or Respondent's
attorney, whichever is earliest.

SO ORDERED.

DATED: 7/16/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : CONSENT
OF : AGREEMENT
HARRY RICHARD BLACK, M.D. : AND ORDER
: BPMC #98-147

-----X

STATE OF NEW YORK)
COUNTY OF ONONDAGA)

HARRY RICHARD BLACK, M.D., deposes and says:

That on or about January 1, 1974, I was licensed to practice as a physician in the State of New York, having been issued license number 119574 by the New York State Education Department.

My current address is 659 West Onondaga Street, Syracuse, New York 13204, 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 as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand and five (5) years Probation with Monitoring pursuant to the terms set forth in Exhibit "B".

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of

actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

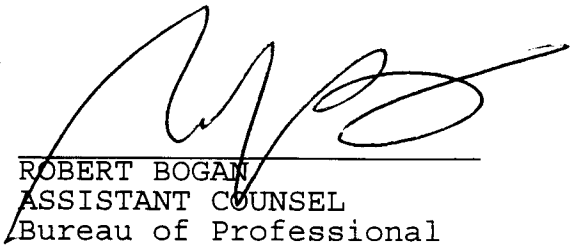


HARRY RICHARD BLACK, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

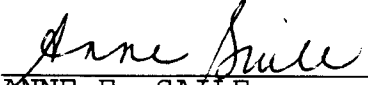
DATE:

6 July 1998


ROBERT BOGAM
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE:

July 13 1998


ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
HARRY RICHARD BLACK, M.D. : CHARGES

-----X

HARRY RICHARD BLACK, M.D., the Respondent, was authorized to practice medicine in New York State on January 1, 1974, by the issuance of license number 119574 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 July 1, 1996 through June 30, 2000, with a registration address of 659 West Onondaga Street, Syracuse, New York 13204.

FACTUAL ALLEGATIONS

A. By Stipulation and Order #CS-96-17 dated December 29, 1996 entered into by Respondent and the New York State Department of Health (hereinafter "Department"), the Respondent admitted and the Department found the Respondent violated Public Health Law Section 3335(1), in that between April 1994 and July 1996, the Respondent did prescribe on at least 49 occasions the controlled substances Vicodin and Lortab 7.5 mg for use by "L.B." not for the proper treatment of a medical condition, but rather to maintain L.B.'s habituation of those drugs.

SPECIFICATION

Respondent is guilty of violating N.Y. Education Law §6530(9)(c) by reason of his having been found by the Commissioner of Health of the State of New York to be in violation of article Thirty Three of the Public Health Law in that Petitioner charges:

1. The facts in paragraph A.

DATED: *June 16*, 1998
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent 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 and obligations 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 (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action;
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the practice monitor any and all records or access to the practice requested by the practice monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
9. Respondent shall not prescribe, administer or provide any medications for himself, his wife, his children and/or any other family member.

10. Respondent shall submit to random drug testing and/or screening as determined by his practice monitor but in any event no less than six times per year. Respondent shall cause the practice monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or if a test is positive for any unauthorized substance.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.