



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

September 21, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mark Wallace, M.D.
77 Seventh Avenue
Apartment 15L
New York, New York 10011

RE: License No. 160946
Effective Date: 9/28/94

Dear Dr. Wallace:

Enclosed please find Order #BPMC 94-163 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

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

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IN THE MATTER :
OF : ORDER
MARK WALLACE, M.D. : BPMC #94-163

-----X

Upon the application of MARK WALLACE (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: 12 August 1994

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

I admit guilt to the one Specification in full satisfaction of the charge against me.

I hereby agree to the penalty of a censure and reprimand and a two year period of probation, subject to the terms enumerated in Paragraphs 1 through 4, below, and in Exhibit B, attached.

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. At all times during the period of probation, I, hereinafter "Respondent", agree:

1. Respondent shall remain drug and alcohol free.
2. Respondent's compliance shall be monitored by a health care professional ("monitor") proposed by Respondent and approved by the Director of the Office of Professional Medical Conduct. Said monitor shall supervise Respondent's compliance with the probationary terms set forth in the Order. Said monitor shall acknowledge his/her willingness to comply with the monitoring duties by executing an acknowledgement provided by the Office of Professional Medical Conduct.
 - a. Said monitor shall be familiar with Respondent's history of substance abuse, with the results of any and all evaluation of Respondent, and with the terms of probation contained in or annexed to the Consent Order. Said monitor shall not be Respondent's treating physician.
 - b. Said monitor shall see Respondent at least once per month.
 - c. Said monitor shall direct Respondent to submit to random, observed, unannounced tests of Respondent's blood and/or urine for evidence of drug usage. Respondent shall comply with said direction. The monitor shall report to Office of Professional Medical Conduct ("OPMC") within 24 hours if at any time such a test is refused by Respondent or is positive for drugs or alcohol. Such random, observed, unannounced tests shall be conducted with a minimum frequency of once per month. At all times said monitor shall have discretion and authority to direct such tests

with greater than the minimum frequency herein specified.

- d. Said monitor shall report to OPMC a pattern of noncompliance with terms of probation.
 - e. Said monitor shall not be a personal friend of Respondent's.
 - f. Said monitor shall submit to OPMC quarterly reports either certifying Respondent's compliance, or detailing Respondent's failure to comply, with each of the terms of probation. A failure to comply with the aforementioned screenings will be considered a breach of probationary terms. The reports shall include the results of all body fluid screens for drugs/chemical substances performed during the quarter.
 - g. Respondent shall, at the direction of the Director of OPMC, submit to an independent chemical dependency evaluation each year of the probationary period.
 - h. The monitor and supervising physician shall agree to consult with each other and with OPMC regarding Respondent's compliance or noncompliance with probationary terms.
3. Respondent shall be supervised in his medical practice by a licensed physician who shall be proposed by Respondent but subject to the approval of the Director of OPMC. Said supervising physician shall be familiar with Respondent's history of substance abuse, and with the Consent Order and its terms of probation. Said supervising physician shall be in a position regularly to observe and assess Respondent's medical practice. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing an acknowledgement provided by OPMC.

- a. Said supervising physician shall have the authority to direct Respondent to submit to unannounced tests of Respondent's blood and/or urine for the presence of drugs or alcohol. Respondent shall comply with such direction. The supervising physician shall report to the Office within 24 hours if at any time such a test is refused by Respondent or is positive.
 - b. Said supervising physician shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying Respondent's compliance or detailing any failure to comply with each term of probation.
4. Respondent shall continue in treatment with a health care professional (therapist) or a treatment program for the probationary period. Respondent shall comply with the treatment regimen prescribed by his treating professional(s).
- a. Said treating health care professional shall be familiar with Respondent's history of substance abuse, and with the terms of probation contained herein.
 - b. Respondent's treating health care professional or program shall submit to OPMC quarterly reports certifying that Respondent is complying with the treatment.
 - c. Said treating health care professional or program shall report to OPMC immediately if the Respondent drops out of treatment.
 - d. Said treating health care professional or program shall report to OPMC any significant pattern of absences.

- e. Said treating health care professional or program shall acknowledge his/her/its willingness to comply with the above-mentioned reporting by executing an acknowledgement provided by OPMC.

Mark E. Wallace, M.D.

MARK WALLACE, M.D.
RESPONDENT

Sworn to before me this
26th day of August, 1994.

[Signature]
NOTARY PUBLIC

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
MARK WALLACE, M.D. : CONSENT
: ORDER
-----X

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

Date: 8/24/94 Mark Wallace M.D.
MARK WALLACE, M.D.
RESPONDENT

Date: August 24, 1994 Wilfred T. Friedman
WILFRED T. FRIEDMAN, ESQUIRE
ATTORNEY FOR RESPONDENT

Date: August 24 1994 Stacey B. Mondschein
STACEY B. MONDSCHHEIN
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Sept. 20, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 12 August 94

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

-----X
IN THE MATTER : STATEMENT
OF : OF
MARK E. WALLACE, M.D. : CHARGES
-----X

MARK E. WALLACE, M.D., the Respondent, was authorized to practice medicine in New York State on December 10, 1984 by the issuance of license number 160946 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, 1993 through December 31, 1994 from 77 Seventh Avenue, Apartment 15L, New York, New York 10011.

FACTUAL ALLEGATIONS

A. On December 19, 1991, Respondent was arrested and charged with the Criminal Possession of a Controlled Substance in the Seventh Degree, a misdemeanor, after police observed Respondent purchasing cocaine. Respondent was subsequently indicted on the offense of Possession of a Controlled Substance in the Fifth Degree, a class D felony, as the weight of the controlled substance he had purchased was in excess of 500 milligrams of cocaine. Respondent was found guilty after a jury trial and

sentenced to a conditional discharge, the condition being that Respondent satisfactorily complete a three year term of probation.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF AN ACT CONSTITUTING A CRIME
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(i) (McKinney Supp. 1994) in that he has been convicted of a crime under New York State law. Petitioner charges:

1. The facts in paragraph A.

DATED: New York, New York
February 23, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MARK WALLACE, M.D., Respondent, during the period of probation, shall conduct in all ways in a manner befitting professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That 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 Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, 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 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 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;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board, and shall comply with the directions of the Director of OPMC, the monitor and the supervising physician, issued pursuant to the terms of probation.