



***New York State Board for Professional Medical Conduct***  
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
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*NYS Department of Health*

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*Executive Deputy Commissioner*  
*NYS Department of Health*

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*Office of Professional Medical Conduct*

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Michael A. Gonzalez, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

September 25, 2002

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

David Allen Rand, M.D.  
4232 East Cactus Road  
Phoenix, AZ 85032

RE: License No. 109422

Dear Dr. Rand:

Enclosed please find Order #BPMC 02-296 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect September 25, 2002.

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 to 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

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

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**IN THE MATTER**

**OF**

**DAVID ALLEN RAND, M.D.  
CO-02-07-3662-A**

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**SURRENDER**

**ORDER**

BPMC No. 02-296

**DAVID ALLEN RAND, M.D.,** says:

On or about January 27, 1971, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 109422 by the New York State Education Department. I currently reside at 4232 East Cactus Road, Phoenix, AZ 85032.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: Sept 12, 2002



DAVID ALLEN RAND, M.D.  
Respondent

AGREED TO:

Date: 17 September, 2002



ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 18 September, 2002



DENNIS J. GRAZIANO  
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**  
**OF**  
**DAVID ALLEN RAND, M.D.**  
**CO-02-07-3362-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**DAVID ALLEN RAND, M.D.**, the Respondent, was authorized to practice medicine in New York state on January 27, 1971, by the issuance of license number 109422 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A        On or about May 2, 2002, the Board of Medical Examiners in the State of Arizona (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (hereinafter "Arizona Order"), placed Respondent on fifteen (15) years probation with terms and conditions that he not perform any closed IM rodding of femur fractures until he demonstrates to the Board that he has had remedial training and the Arizona Board affirmatively approves his return to such practice, based on conduct or practice which is or unjust be harmful or dangerous to the patient or the public.

B.        The conduct resulting in the Arizona Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1.        New York Education Law §6530(3) (negligence on more than one occasion);
  2.        New York Education Law §6530(4) (gross negligence);
  3.        New York Education Law §6530(5) (incompetence on more than one occasion);
- and/or
4.        New York Education Law §6530(6) (gross incompetence).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having 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 constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Sept. 16*, 2002  
Albany, New York

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

**ORDER**

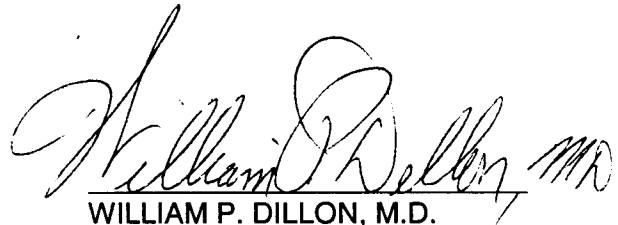
Upon the proposed agreement of **DAVID ALLEN RAND, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 9/23, 2002



WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct