



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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Vice Chair

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

PUBLIC

March 25, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew M. Baer, M.D.
2300 South 24th Road
Suite 242
Arlington, VA 22206

RE: License No. 213509

Dear Dr. Baer:

Enclosed please find Order #BPMC 03-77 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 25, 2003.

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

IN THE MATTER

SURRENDER

OF

ORDER

**ANDREW BAER, M.D.
CO-00-06-2713-A**

BPMC No. 03-77

ANDREW BAER, M.D., says:

On or about March 25, 1999, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 213509 by the New York State Education Department. I currently reside at 2300 South 24th Road, Suite 242, Arlington, VA 22206.

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).

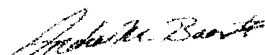
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 of manner.

Date: Mach 20, 2003



ANDREW BAER, M.D.
Respondent

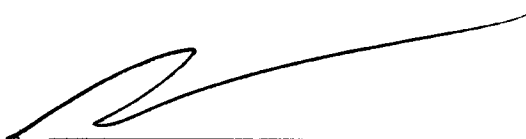
AGREED TO:

Date: 20 March, 2003



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 21 March, 2003



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
ANDREW BAER, M.D.
CO-00-06-2713-A

AMENDED
STATEMENT
OF
CHARGES

ANDREW BAER, M.D., the Respondent, was authorized to practice medicine in New York state on March 25, 1999, by the issuance of license number 213509 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 8, 2000, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine (hereinafter "Virginia Board"), by a Consent Order (hereinafter "Virginia Order I"), CONTINUED GENERALLY the matter regarding Respondent's license to practice medicine and prohibited him from the practice of medicine, based on failure to comply with terms of a recovery and monitoring contract with a Virginia program for physicians in recovery from drug and/or alcohol addiction or abuse, abuse of and self prescribing of controlled substance medications, and the issuance of numerous prescriptions for controlled substances which were fraudulently prepared by him.

B. On or about August 31, 2001, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine (hereinafter "Pennsylvania Board"), by an Adjudication and Order (hereinafter "Pennsylvania Order"), suspended Respondent's license to practice medicine until such time as Respondent demonstrates that his license to practice medicine in Virginia is reinstated without restrictions, based on Virginia Order 1 described in Paragraph A above.

C. On or about November 13, 2001, the Virginia Board by an Order (hereinafter "Virginia Order II"), SUSPENDED Respondent's license to practice medicine and surgery in the Commonwealth of Virginia, based on the Pennsylvania Order described in Paragraph B above.

D. On or about November 26, 2001, Respondent, by letter to the Virginia Board, requested a Formal Hearing to adjudicate all pending charges in order to reinstate his Medical license.

E. On or about April 1, 2002, Respondent, by letter to the Virginia Board, withdrew his request for a reinstatement hearing in early July 2002.

F. To date of these "Amended Charges," Respondent has made no request for a reinstatement hearing to the Virginia Board subsequent to the withdrawal described in Paragraph E above.

G. The conduct resulting in the Virginia Board disciplinary actions 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(2) (practicing the profession fraudulently);
and/or
2. New York Education Law §6530(8) (being a habitual abuser of alcohol or being dependent on or a habitual abuser of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects).

H. The conduct resulting in the Pennsylvania 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 state Education Law §6530(9)(d) (having his license to practice medicine suspended).

SPECIFICATIONS
FIRST AND SECOND SPECIFICATIONS

Respondent violated New York State Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, and/or G;
2. The facts in Paragraphs A, B, and/or H.

DATED: *February 18*, 2003
Albany, New York

Peter D. Van Buren

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

ORDER

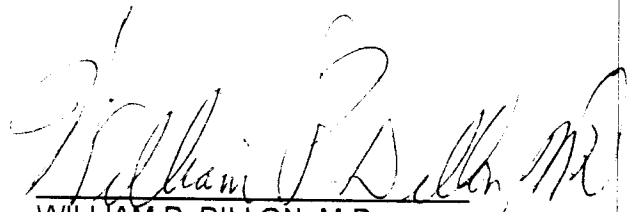
Upon the proposed agreement of **ANDREW BAER, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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: 3/24, 2003



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