



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*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

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

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

PUBLIC

May 21, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Arnold B. Campo, M.D.
1718 Partridge Hill
Lancaster, SC 29720

RE: License No. 206040

Dear Dr. Campo:

Enclosed please find Order #BPMC 03-133 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 28, 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

cc: Gary J. Gianforti, Esq.
Culley, Marks, Tanenbaum & Pezzulo
36 Main Street West, Suite 500
Rochester, NY 14614-1790

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

IN THE MATTER
OF
ARNOLD B. CAMPO, M.D.

CONSENT
ORDER

BPMC No. 03-133

Upon the application of ARNOLD B. CAMPO, M.D. (Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 5/20/03

William P. Dillon, M.D.

WILLIAM P. DILLON, M.D.

Chair

State Board for Professional Medical Conduct

IN THE MATTER
OF
ARNOLD B. CAMPO, M.D.

CONSENT
AGREEMENT
AND
ORDER

ARNOLD B. CAMPO, M.D., representing that all of the following statements are true, deposes and says:

That on or about March 11, 1997, I was licensed to practice as a physician in the State of New York, and issued License No. 208040 by the New York State Education Department.

My current address is 1718 Partridge Hill, Lancaster, South Carolina 29720 and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to the First Specification concerning Patients A, C, and D, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine in New York State shall be suspended for a period of two years, all of which suspension shall be stayed conditioned on my full compliance for a probationary period of two years, with the Terms of Probation appended hereto as Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:



That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the

pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.


DATED: 5-2-03



ARNOLD B. CAMPO, M.D.
RESPONDENT

The undersigned agree to the attached Consent Agreement and to its proposed penalty, terms and conditions.

DATED: 5-5-03



GARY J. GIANFORTI
Attorney for Respondent

DATED: 5/12/03



KEVIN P. DONOVAN
Associate Counsel
Bureau of Professional Medical Conduct

DATED: 5/19/03



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ARNOLD B. CAMPO, M.D. : CHARGES
-----X

ARNOLD B. CAMPO, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 11, 1997, by the issuance of license number 206040 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided care for Patient A (patients are identified in Appendix A, attached) at his office located at 1800 English Road, Rochester, New York, from on or May 1997, until around September 2001. Respondent's care of Patient A did not meet accepted standards of care in that Respondent failed to appropriately evaluate and/or refer patient A for complaints of urinary frequency and abdominal pain and/or inappropriately prescribed antibiotics without adequate indication.

B. Respondent provided care for Patient B at his office from on or around September 1996, until around September 4, 2001. Respondent's care of Patient B did not meet accepted standards of care in that:

1. Respondent failed to appropriately address osteopenia with Patient B despite her risk factors for osteopenia and/or demonstrated osteopenia.
2. Respondent failed to appropriately respond to results of thyroid studies.

Exhibit A

C. Respondent provided care for Patient C at his office from on or around December 1997, until around February 2001. Respondent's care of Patient C did not meet accepted standards of care in that:

1. Respondent failed to appropriately assess the patient's response to and/or continued need for prescribed medications.
2. Respondent prescribed Fosamax without adequate indication.

D. Respondent provided care for Patient D at his office from on or around January 1997, until around October 2001. Respondent's care of Patient D did not meet accepted standards of care in that Respondent failed to appropriately assess Patient D, who had multiple medical problems and/or was on several prescribed medications on a chronic basis.

E. Respondent provided care for Patient E at his office from around October 1999 until around August 2001. Respondent's care of Patient E did not meet accepted standards of care in that Respondent failed to appropriately monitor and/or treat Patient E's anemia and/or hyperlipidemia.

F. Respondent provided care for Patient F at his office from on or around February 1999, until around October 2001. Respondent's care of Patient F did not meet accepted standards of care in that Respondent failed to appropriately evaluate and/or treat Patient F's elevated blood pressure.

G. Respondent provided care to Patient G at his office from on or around October 1966 until around February 2000. Respondent's care of Patient G did not meet accepted standards of care in that Respondent failed to appropriately respond to indications of urinary tract infection, indication of enlarged prostate, and/or elevated prostate specific antigen.

H. Respondent provided care for Patient H at his office from around December 2000 until around September 2001. Respondent's care of Patient H did not meet accepted standards of care in that Respondent failed to appropriately evaluate and/or treat Patient H for indications of diabetes, hypertension and/or hyperlipidemia.

I. Respondent provided care for Patient I at his office from on or around July 1999 until around August 2001. Respondent's care of Patient I did not meet accepted standards of care in that Respondent failed to appropriately evaluate and/or treat Patient I, who had a history of obesity, diabetes, hyperthyroidism, hyperlipidemia, and/or sleep apnea.

J. Respondent provided care for Patient J at his office from on or around August 2000 until around June 2001. Respondent's care of Patient J did not meet accepted standards of care in that Respondent failed to appropriately evaluate and/or treat Patient J, who had indications of diabetes, hyperlipidemia, and/or elevated liver enzymes.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as set forth in two or more of the following:

1. The facts of paragraphs A, B and B.1, B and B.2, C and C.1, C and C.2, D, E, F, G, H, I, and/or J.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as set forth in two or more of the following:

1. The facts of paragraphs A, B and B.1, B and B.2, C and C.1, C and C.2, D, E, F, G, H, I, and/or J.

DATED: *May 12*, 2003
Albany, New York



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

EXHIBIT B

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division 11 of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

CLINICAL COMPETENCY ASSESSMENT AND PERSONALIZED CONTINUING MEDICAL EDUCATION

9. Respondent shall not practice medicine in New York State until he has obtained a clinical competency assessment and successfully completed personalized medical education as described in the following paragraphs.
10. The clinical competency assessment shall be performed by a program for such assessment as directed by the Director of OPMC. Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC.
11. After completion of the clinical competency assessment, Respondent shall be enrolled in a course of personalized continuing medical education, approved in writing by the Director, which addresses knowledge or skill deficiencies identified by the clinical competency assessment. The course of personalized continuing medical education shall include an assigned preceptor, preferably a physician board certified in the same specialty, to be approved, in writing, by the Director of OPMC. Respondent shall remain enrolled and shall fully participate in the program for a period of not less than three months nor more than twelve months.
12. Respondent shall cause the preceptor to:
 - a. Submit reports on a quarterly basis to OPMC certifying whether Respondent is fully participating in the personalized continuing medical education program.
 - b. Report immediately to the Director of OPMC if Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by Respondent.
 - c. At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by Respondent toward remediation of all identified deficiencies.

PRACTICE MONITOR

13.
 - a. For the remainder of the probation period, to commence immediately following the completion of the approved personalized continuing medical education program, Respondent shall practice medicine only when monitored by a physician, board certified in an appropriate specialty (practice monitor), proposed by Respondent and subject to the written approval of the Director of OPMC. The Respondent shall cause the practice monitor to monitor Respondent's medical practice in accordance with a monitoring plan to be approved by the Director of OPMC. Such monitoring plan shall include, but not be limited to, provisions for selected medical record reviews, occasional observation of the Respondent in practice settings, required participation in hospital departmental meetings and enrollment in ongoing education courses, if any.
 - b. Respondent shall cause the practice monitor to report to OPMC on a quarterly basis regarding Respondent's compliance with the approved monitoring plan. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, the monitor's assessment of patient records selected for review, detailed case description of any case found to not meet the established standards of care and Respondent's remediation of

previously identified deficiency areas.

14. Respondent shall be solely responsible for all expenses associated with these terms, including fees, if any, for the clinical competency assessment, the personalized continuing medical education program or to the monitoring physician. This term of probation shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall provide a basis for a disciplinary proceeding based on violating a term of probation.
15. While Respondent is in the process of the clinical competency assessment, the personalized medical education, or has a practice monitor, he 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.
16. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.