



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.
*Commissioner
NYS Department of Health*

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

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

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

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

September 21, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Adrian A. Morris, M.D.
45 Hollandale Lane, Apt. M
Clifton Park, NY 12065

RE: License No. 166342

Dear Dr. Morris:

Enclosed please find Order #BPMC 04-208 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect September 28, 2004.

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 or receipt of the 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read 'Ansel R. Marks', written over a rectangular box.

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

cc: Jeffrey J. Sherrin, Esq.
O'Connell & Aronowitz
54 State Street
Albany, NY 12207-2501

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

IN THE MATTER
OF
ADRIAN MORRIS, M.D.

CONSENT
ORDER

BPMC No. 04-208

Upon the application of (Respondent) Adrian Morris, M.D. 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: 9/20/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
ADRIAN MORRIS, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Adrian Morris, M.D., representing that all of the following statements are true, deposes and says:

That in 1986, I was licensed to practice as a physician in the State of New York, and issued License No. 166342 by the New York State Education Department.

My current address is 45~~M~~ Hollandale Lane, Apt. M, Clifton Park, NY 12065, 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 three 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 to the third specification and do not contest the factual allegations contained in Paragraphs A, B, C, D, E and F, in full satisfaction of the charges against me, and agree to the following penalty:

1. Censure and Reprimand.
2. A prohibition against a physician-patient relationship with Patient A.
3. A fine in the sum of \$3,000.

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

I shall be subject to a fine in the amount of \$3,000, pursuant to §230-a(7) and (9) of the Public Health Law, to be fully paid within 90 days of the effective date of this Order by three equal and consecutive monthly payments of \$1,000. Payment must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

I shall not enter into a physician-patient relationship, as defined in Education Law §6521, with Patient A.

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.

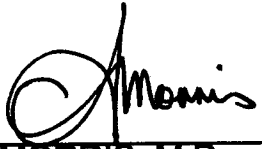
I ask the Board to adopt this Consent Agreement.

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 8/23/04



ADRIAN MORRIS, M.D.
RESPONDENT
ADRIAN

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 8/23/04


JEFFREY J. SHERRIN, ESQ.
Attorney for Respondent

DATE: 8/30/04


THOR B. EVANICK
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 9/14/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
ADRIAN MORRIS, M.D.

STATEMENT
OF
CHARGES

ADRIAN MORRIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about 1986, by the issuance of license number 166342 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent psychiatrist had practice privileges at Samaritan Hospital in Troy, New York during a period which included September of 2001. [REDACTED]
- PDVB* [REDACTED]
- B. During the period beginning on or about February 1, 2002 through on or about August 29, 2002, Respondent began prescribing medications on a number of occasions to Patient A. There was also one prescription written in October, 2001. The total number of prescriptions written was 20.
- C. The Respondent prescribed medications for pain treatment, opiate withdrawal and sleep problems at the same time while Patient A was receiving treatment for these medical conditions from other medical providers which included the issuing of prescriptions.

¹To preserve privacy throughout this document, this individual is referred to by letter description.
An Appendix is attached hereto.

- D. The Respondent prescribed the following medications:
1. Hydrocodone/APAP (8 times over a period of 5 months).
 2. Roxicet (Oxycodone/Acetaminophen) (2 times over a period of 2 months).
 3. Clonidine (2 times over a period of 4 months).
 4. Ambrin (4 times over a period of 3 months).
 5. Trazadone (once).
 6. Cyclobenzaprine (2 times over a period of 5 months).
 7. Zithromax (once).
- E. During the period February 1, 2002 through October, 2002, the Respondent's actions toward Patient A created a patient-physician treatment relationship. These actions included, but were not limited to, the following:
1. Prescribing for multiple symptoms.
 2. Treatment regarding her pain, withdrawal and sleep symptoms.
 3. Active facilitation of her treatment.
- F. Respondent did not perform a complete psychiatric assessment of Patient A. Nor did he prepare or create documentation or medical records which would include but not be limited to a diagnosis, ancillary tests, symptoms monitoring, medication assessment for efficacy or adverse effects, or a treatment plan.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(4) by reason of his having practiced medicine with gross negligence, in that Petitioner charges:

1. The facts set forth in paragraphs A, B, C, D, E and/or F.

SECOND SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(6) by reason of his having practiced medicine with gross incompetence, in that Petitioner charges:

2. The facts set forth in paragraphs A, B, C, D, E and/or F.


THIRD SPECIFICATION

RECORD KEEPING

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges the following:

3. The facts set forth in paragraphs A, B, C, D, E and/or F.

DATED: ~~July~~^{Aug. 30}, 2004
Albany, New York


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