



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

July 22, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

David Buyer, M.D.  
23 Second Street  
Danville, Pennsylvania 17821

RE: License No. 191955

Dear Dr. Buyer:

Enclosed please find Order #BPMC 97-173 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  
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: William I Arbuckle, III  
Goodall & Associates  
328 South Atherton Street  
State College, Pennsylvania 16801-4043

Bradley C. Mohr, Esq.

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

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IN THE MATTER : CONSENT  
OF : AGREEMENT  
DAVID BUYER, M.D. : AND ORDER  
: BPMC # 97-173

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DAVID BUYER, M.D., says:

On or about August 9, 1979, I was licensed to practice as a physician in the State of New York, having been issued license number 191955 by the New York State Education Department.

My current address is 23 Second Street, Danville PA, 17821 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with six specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the specifications.

I hereby agree to the following penalty of THREE (3) YEARS PROBATION as more fully described in the Terms of Probation

annexed hereto and made a part hereof as Exhibits B and C.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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

*David Buyer*

DAVID BUYER, M.D.  
RESPONDENT

Subscribed before me this  
*25<sup>th</sup>* day of *June*, 1997.

*Frances A. Carroll*  
NOTARY PUBLIC

Member, Pennsylvania Association of Notaries  
My Commission Expires April 24, 1998  
Frances A. Carroll, Notary Public  
Mahoning Twp., Montour County  
Notarial Seal

AGREED TO:

DATE: \_\_\_\_\_, 1997

\_\_\_\_\_, ESQ.  
Attorney for Respondent

DATE: *July 3*, 1997

*Bradley Mohr*  
BRADLEY MOHR  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: *July 9*, 1997

*Cynthia Miller Flynn*  
*Anne F. Saile*  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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

*David Buyer*

DAVID BUYER, M.D.  
RESPONDENT

Subscribed before me this  
25<sup>th</sup> day of June, 1997.

*Francis A. Carroll*  
NOTARY PUBLIC

Notary Seal  
Francis A. Carroll, Notary Public  
Mahoning Twp., Monroeville County  
My Commission Expires April 24, 1998  
Member, Pennsylvania Association of Notaries

AGREED TO:

DATE: 06/30/97, 1997

*William A. Schick*  
Attorney for Respondent

DATE: July 3, 1997

*Bradley Mohr*  
BRADLEY MOHR  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

*Cynthia Kelley*  
DATE: July 9, 1997

*Cynthia Kelley*  
*Anne F. Saile*  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

ORDER

Upon the proposed agreement of DAVID BUYER, M.D.  
(Respondent) for Consent Order, 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; 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.

DATED: July 16, 1997

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
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  
DAVID BUYER, M.D. : CHARGES

-----X

DAVID BUYER, M.D., the Respondent, was authorized to practice medicine in New York State on April 20, 1993, by the issuance of license number 191955 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent on or about March 25, 1997, by Consent Order in adjudicatory case No.96-49-03482, was disciplined by the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, for violations of the Pennsylvania Medical Practice Act (63 Purdon's Statutes §422.41(6)) and the Regulations of the Board (49 Pa. Code §16(a)(11)). The Pennsylvania Board's Consent Order with Respondent suspended his license for 2 years, which was stayed and replaced with 2 years probation. The Consent Order required him to comply with multiple impairment monitoring type terms.

2. Respondent was disciplined for convictions of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (35 P.S.) Section 780-113(a)(16)) (possession of a controlled

EXHIBIT A

substance, and (a) (32) (possession of drug paraphernalia), both misdemeanors.

3. The conduct resulting in the discipline imposed by the Pennsylvania Board of Medicine would if committed in New York State constitute professional misconduct under New York Education Law, namely §6530 (8) (being a habitual user or being dependent on a controlled substance) and /or New York Education Law 6530(9) (a) (iii) (being convicted of committing an act constituting a crime under the laws of another jurisdiction and which, if committed within this state would have constituted a crime under New York state law).

4. Respondent on or about November 25, 1996, in the Court of Common Pleas, 26th Judicial District of Pennsylvania, Montour County Branch, Criminal Division, case number 180 of 1996, was found guilty of violations of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act (35 P.S.) Section 780-113(a) (16)) (possession of a controlled substance, and (a) (32) (possession of drug paraphernalia). Respondent entered a plea of guilty and was sentenced to: 12 months of probation, performance of 96 hours of community service under the supervision of the Montour County Adult Probation Office, required to pay the costs of prosecution and a fine of \$500.

5. The crime (35 P.S. §780-113 (a) (16)) that Respondent was convicted of, if committed in this state, would constitute a violation under New York state law under N.Y. Penal Law §221.05



(unlawful possession of marihuana). The crime (35 P.S. §780-113 (a) (32)) that Respondent was convicted of, if committed in this state, would constitute a crime under New York state law under N.Y. Penal Law §220.50(2) (criminally using drug paraphernalia).

SPECIFICATIONS OF MISCONDUCT

FIRST. AND SECOND SPECIFICATIONS

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9) (b) in that he was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts of paragraphs 1,2 and /or 3;
2. The facts of paragraphs 4 and /or 5;

THIRD AND FOURTH. SPECIFICATIONS

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9) (d) in that he had disciplinary action taken against his license 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:

3. The facts of paragraphs 1, 2 and /or 3.
4. The facts of paragraphs 4 and /or 5;

FIFTH AND SIXTH SPECIFICATIONS

CRIMINAL CONVICTION IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(a) in that he was found guilty of committing an act constituting a crime under the laws of another jurisdiction which, if committed within this state would have constituted a crime under New York state law.

5. The facts of paragraphs 1, 2 and /or 3;
6. The facts of paragraphs 4 and /or 5;

DATED: May 27, 1997  
Albany, New York


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

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street, Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action;
3. Respondent shall comply fully with the March 27, 1997 Consent Agreement and Order of the Commonwealth of Pennsylvania and any extension or modification thereof.
4. Respondent shall provide written authorization for the Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs and the Professional Health Monitoring Program to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Pennsylvania Order.
5. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the March 27, 1997 Commonwealth of Pennsylvania Consent Agreement and Order during the declaration period specified.
6. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
7. Respondent shall not practice medicine in the State of New York during the effective period of probation until at least 30 days after providing written notification to the Director of OPMC of his intent to do so. Upon the active practice of medicine in the State of New York, Respondent shall comply with the terms of probation described in Exhibit C to be in effect for any remaining portion of the three year probation period.

8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

### EXHIBIT C

1. Respondent shall only practice medicine in the State of New York in accordance with the following terms of probation in addition to those previously described in Exhibit B.
2. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
3. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
4. Respondent shall remain drug/alcohol free.
5. Respondent shall remain active in self help groups such as, but not limited to, Narcotics Anonymous (NA), Alcoholics Anonymous (AA) and Caduceus.
6. Respondent shall notify all treating physicians of his history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
7. Respondent shall practice only when monitored by qualified health care professional monitors ("sobriety monitor", "practice supervisor" and "therapist") proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.
8. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
9. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.

10. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than four times per month for the first 12 months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g., AA/NA/Caduceus, etc.), 12 step progress, etc.
11. Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
12. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
13. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.
14. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.
15. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.
16. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.