



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

Kendrick A. Sears, M.D.
Chairman

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

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

Public

May 10, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roger Fares, M.D.
1016 Lexington Avenue
New York, NY 10021

Re: License No. 107653

Dear Dr. Fares:

Enclosed is a copy of Order #BPMC 05-96 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect May 17, 2005.

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 the 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: Denise Quarles, Esq.
Quarles and Associates, P.C.
405 Lexington Avenue, Suite 2600
New York, NY 10021

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

**IN THE MATTER
OF
ROGER JOSEPH FARES, M.D.**

**SURRENDER
ORDER**

BPMC No. #05-96

Upon the application of (Respondent) ROGER JOSEPH FARES, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

ORDERED, that Respondent's name 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, either

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

Whichever is first.

SO ORDERED.

DATED: 5-10-2005


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
ROGER JOSEPH FARES, M.D.**

**SURRENDER
of
LICENSE**

ROGER JOSEPH FARES, M.D., representing that all of the following statements are true, deposes and says:

That on or about December 2, 1970 I was licensed to practice as a physician in the State of New York, and issued License No. 107653 by the New York State Education Department.

My current address is 1016 Lexington Avenue, New York, New York 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 twenty-two specifications of professional misconduct.

A copy of the Second Amended Statement of Charges, marked as Exhibit "A", is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit to the twentieth and twenty-second specifications and on the further ground that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License.

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application 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 accepts the Surrender of my License, the Chair of the Board shall issue a Surrender 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 Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

I ask the Board to accept this Surrender of License of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

DATED

5/2/05



ROGER JOSEPH FARES, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

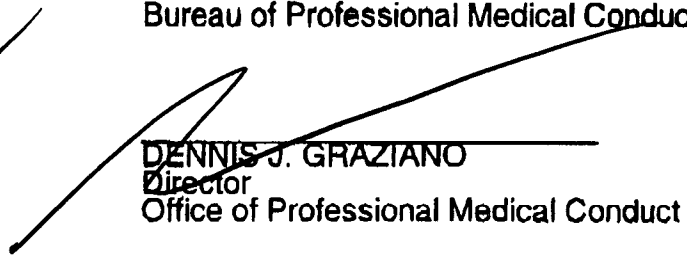
DATE: May 2, 2005


DENISE QUARLES, ESQ.
Attorney for Respondent

DATE: May 5, 2005


DANIEL GUENZBURGER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: May 9, 2005


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

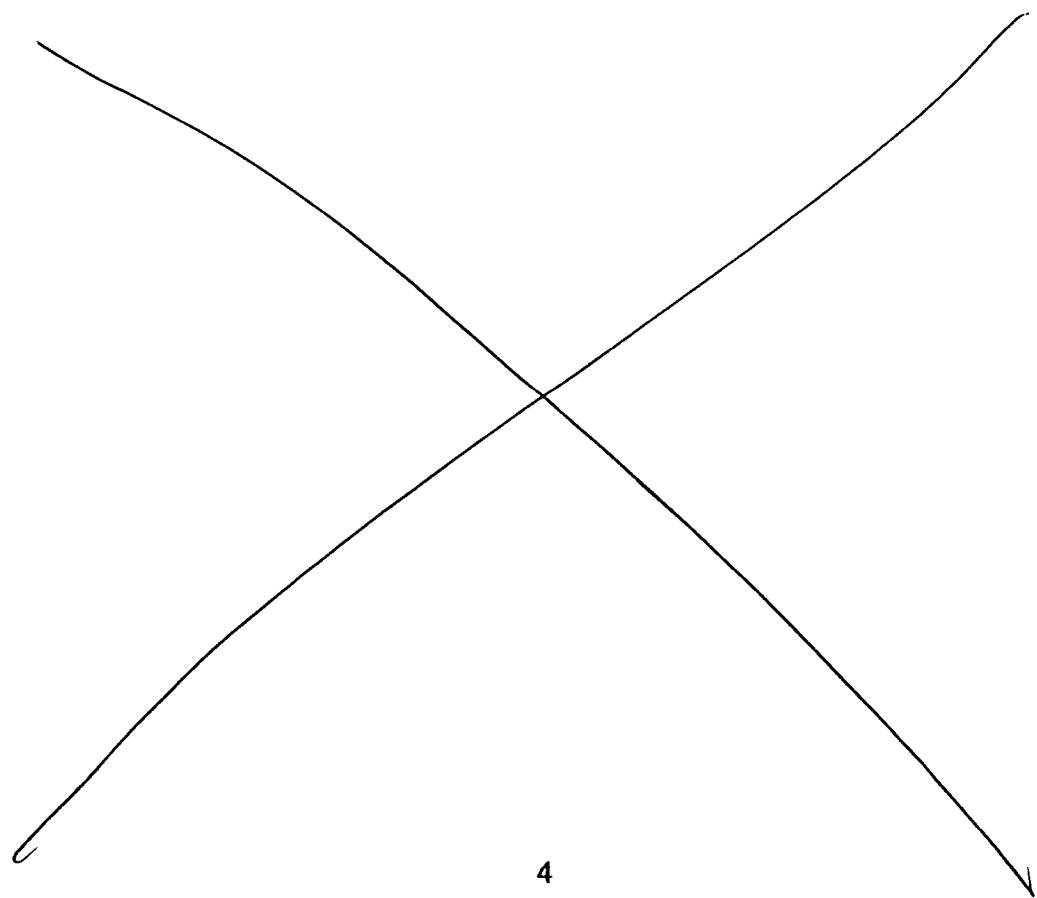


Exhibit A

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

SECOND
AMENDED
STATEMENT

IN THE MATTER

OF

OF

ROGER JOSEPH FARES, M.D.

CHARGES

ROGER JOSEPH FARES, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 2, 1970, by the issuance of license number 107653 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 20, 2004, Patient A, a 23 year old female, presented to Respondent at his office, 1016 Lexington Avenue, New York, New York. Patient A requested vaccinations for tetanus, hepatitis A and meningitis. (Patient A and the other patients in the Statement of Charges are identified in the annexed appendix)

Respondent:

1. Failed to take an adequate history.
2. Failed to comply with minimally acceptable infection control practices, including failing to put on a fresh pair of surgical gloves before examining Patient A.

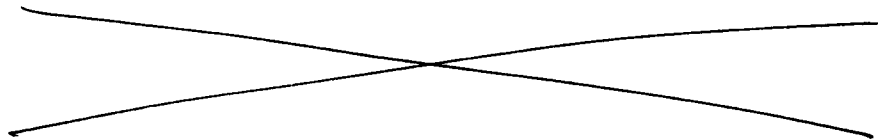
3. Knowingly and falsely represented on Patient A's "certificate of vaccination" that he had administered meningitis, tetanus and Hepatitis A vaccinations, when, in fact, he knew that he had not administered the vaccinations. Respondent intended to deceive.
4. Failed to maintain a record that accurately reflected the evaluation and treatment.

B. On or about January 2, 2004, Patient B requested various vaccinations needed for travel to a foreign country. Respondent:

1. Knowingly and falsely represented on Patient B's "certificate of vaccination" that he had administered meningitis vaccination, when, in fact, he knew that he had not administered the vaccination. Respondent intended to deceive.
2. Knowingly and falsely represented on Patient B's "certificate of vaccination" that he had concluded that the Patient was "free of Hepatitis A, B, and C", when, in fact, Respondent knew that he lacked any medically acceptable basis for making such a determination. Respondent intended to deceive.
3. Failed to comply with minimally accepted infection control practices.

C. On or about January 2, 2004, Patient C, the wife of Patient B, requested various vaccinations needed for travel to a foreign country. Respondent:

1. Knowingly and falsely represented that he had administered meningitis vaccination on Patient B's "certificate of vaccination", when, in fact, he knew that he had not administered the vaccination. Respondent intended to deceive.
2. Knowingly and falsely represented on Patient C's "certificate of vaccination" that he had concluded that the Patient was "free of Hepatitis A, B, and C", when, in fact, Respondent knew that he lacked any medically acceptable basis for making such a determination. Respondent intended to deceive.
3. Failed to comply with minimally accepted infection control practices.



D. On or about April 26, 2004, Patient D, a 52 year old male presented to Respondent with a complaint of an itchy rash over both arms. Respondent deviated from medically accepted standards in that he:

1. Failed to take an adequate history
2. Prescribed the following medications without adequate indication:
 - a. Tetracycline.
 - b. Zoloft.
3. Prescribed an inappropriate dose of Tetracycline.
4. Prescribed an inappropriate dose of Zoloft.
5. Failed to note and/or follow-up on abnormal electrolyte and renal

function tests.

~~E. On or about April 27, 2004, Patient E, presented to Respondent with a complaint of sore throat and coughing. Respondent deviated from medically accepted standards in that he:~~

1. Failed to take and/or note an adequate history, including allergic reactions to medication.
2. Inappropriately administered Bicillin.
3. Inappropriately prescribed Amoxicillin.
4. Inappropriately diagnosed pharyngitis.
5. Inadequately evaluated the patient for sexually transmitted diseases.

F. On or about April 27, 2004, Patient F, 28 year old male, presented to Respondent with a complaint of urethral discharge for one week. Respondent deviated from medically accepted standards in that he:

1. Failed to take and/or note an adequate history, including a history of allergic reactions to medication.
2. Inappropriately diagnosed urinary tract infection.
3. Failed to adequately evaluate for sexually transmitted diseases, including failing to order a specific laboratory test for gonorrhea/chlamydia.
4. Inappropriately prescribed Bicillin.

5. Failed to appropriately treat for suspected sexually transmitted disease.

G. On or about April 30, 2004, Patient G, a 55 year old male, presented with a complaint of abdominal pain, nausea, vomiting and diarrhea for one day.

Respondent deviated from medically accepted standards in that he:

1. Failed to take an adequate history.
2. Inappropriately prescribed Bactrim.

H. With respect to vaccinations administered to the patients listed below, Respondent willfully and/or grossly negligently failed to comply with Title 42 United States Code Section 300aa-25(a) in that he failed to maintain a record of the vaccine manufacturer and vaccine lot number:

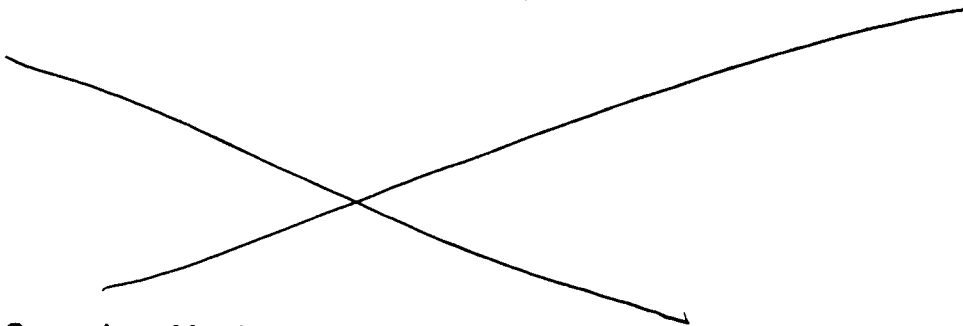
1. Patient A
2. Patient H.
3. Patient I.
4. Patient J.
5. Patient K.

~~_____~~
~~_____~~

I. At his office on or about and prior to April 20, 2004, Respondent failed to comply with infection control practices established by the Department of Health in that he:

1. Failed to maintain sanitary conditions in the examination room and in the public parts of the office, including the waiting room and bathroom.
2. Failed to provide hot water, soap, and hand towels in the only bathroom in the office.
3. Failed to change surgical gloves from one patient to another.
4. Failed to appropriately wear barrier clothing, including laboratory coat, surgical mask and gloves.

J. Respondent willfully and/or grossly negligently failed to comply with New York State Public Health Law Section 239 in that he failed to complete required course work or training in infection control and barrier precautions.



K. On or about March 3, 2005 and March 14, 2005, the Respondent practiced medicine in violation of a Summary License Suspension Order of the Commissioner of Health issued pursuant to N.Y. Public Health Law Section 230(12). By so doing, Respondent:

1. Willfully and/or gross negligently failed to comply with Public Health Law Section 230(12).
2. Practiced and/or offered to practice beyond the scope permitted by

law.

SPECIFICATION OF CHARGES

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 alleged in the facts of two or more of the following:

1. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, C, C1, C2, C3, D, D1, D2, D2(a), D2(b), D5, E1, E2, E3, E4, E5, F, F1, F2, F3, F4, F5, G, G1, G2, H1, H2, H3, and/or H4.

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 alleged in the facts of two or more of the following:

2. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, C, C1, C2, C3, D, D1, D2, D2(a), D2(b), D5, E1, E2, E3, E4, E5, F, F1, F2, F3, F4, F5, G, G1, G2, H1, H2, H3, and/or H4.

THIRD THROUGH TENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

3. Paragraphs A, A1, A2, A3, and/or A4.
4. Paragraphs B, B1, B2, and/or B3.
5. Paragraphs C, C1, C2, and/or C3.
6. Paragraphs D, D1, D2, D2(a), D2(b), and/or D3.
7. Paragraphs E1, E2, E3, E4, and/or E5.
8. Paragraphs F, F1, F2, F3, F4, and/or F5.
9. Paragraphs G, G1, and/or G2.
10. Paragraphs I1, I2, I3, and/or I4.

ELEVENTH SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

11. Paragraphs A, A1, A2, A3, A4, B, B1, B2, B3, C, C1, C2, C3, D, D1, D2, D2(a), D2(b), D3, E1, E2, E3, E4, E5, F, F1, F2, F3, F4, F5, G, G1, G2, I1, I2, I3, and/or I4.

TWELFTH THROUGH FOURTEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

- 12. Paragraphs A, and/or A3.
- 13. Paragraphs B, B1 and/or B2.
- 14. Paragraphs C, C1, and/or C2.

SIXTEENTH THROUGH SEVENTEENTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

- 15. Paragraphs A, and/or A3.
- 16. Paragraphs B, B1 and/or B2.
- 17. Paragraphs C, C1, and/or C2.

EIGHTEENTS SPECIFICATION

FAILING TO COMPLY WITH A FEDERAL LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal law, rules or regulations governing the practice of medicine, as alleged in the facts of:

18. Paragraphs H, H1, H2, H3, H4, and/or H5.

NINETEENTH AND TWENTIETH SPECIFICATIONS

FAILING TO COMPLY WITH A STATE LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(16) by willfully or grossly negligently failing to comply with substantial provisions of a New York State law governing the practice of medicine, as alleged in the facts of:

19. Paragraph J.
20. Paragraph K and K1.

TWENTY-FIRST SPECIFICATION

INFECTION CONTROL

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(46) by failing to use scientifically accepted barrier precautions and

infection control practices established by the Department of Health, as alleged in the facts of:

21. Paragraphs A, A2, B, B3, C, C3, I, I1, I2, I3, and/or I4.

TWENTY-SECOND SPECIFICATION

UNLAWFUL PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(24) by practicing and/or offering to practice beyond the scope permitted by law, as alleged in the facts of:

22. K and K2.

DATED: April 12, 2005
New York, New York

Roy Nemerson

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A MEDICAL LICENSE

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty (30) days of the Surrender Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within fifteen (15) days of the Surrender Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Surrender Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six (6) months or more pursuant to this Order, Respondent shall, within ninety (90) days of the Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.