



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

September 16, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Andrew Knoll, Esq.
Scolaro, Shulman, Cohen,
Fetter & Burstein, P.C.
507 Plum Street
Syracuse, New York 13204

Joyce Wong Buckley, M.D.
Redacted Address

Richard J. Zahnleuter, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

RE: In the Matter of Joyce Wong Buckley, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-171) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,
Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

COPY

IN THE MATTER
OF
JOYCE WONG BUCKLEY MD

DETERMINATION

AND

ORDER

BPMC #08-171

A Notice of Hearing, and Statement of Charges both dated January 14, 2008 were served upon the Respondent **JOYCE WONG BUCKLEY M.D.** Chairperson **JAMES D. HAYES M.D., DAVID B. MEZA M.D.,** and **VIRGINIA R. MARTY** duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Administrative Law Judge **KIMBERLY A. O'BRIEN ESQ.** served as the Administrative Officer.

The Department of Health appeared by **THOMAS CONWAY ESQ.,** General Counsel, by **RICHARD J. ZAHNLEUTER,** of Counsel. The Respondent **JOYCE WONG BUCKLEY M.D.** appeared in person and by Counsel **WILFRED T. FRIEDMAN ESQ.** and **ANDREW KNOLL ESQ.**

Evidence was received and argument heard, and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Notice of Hearing & Statement of Charges	January 14, 2008
Respondent's Answer	March 3, 2008
Hearing Dates	March 20, 2008, April 14, 2008, and May 14, 2008
Witnesses for Petitioner	Jim Kinderknecht RPh, Allan LaFlore, Debra Hotaling, Alfredo Lopez M.D.
Witnesses for Respondent	Joyce Wong Buckley M.D.
Final Hearing Transcript Received	May 23, 2008
Parties Briefs	June 27, 2008
Deliberations Date	July 25, 2008

STATEMENT OF THE CASE

The State Board of Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York pursuant to Section 230 et seq. of the Public Health Law of New York. This case was brought by the New York State Department of Health, Office of Professional Medical Conduct (hereinafter "Petitioner" or "Department") pursuant to Section 230 of the Public Health Law. Joyce Wong Buckley M.D. (hereinafter "Respondent") is charged with seventy-eight specifications of misconduct. The Respondent is charged with: gross negligence, negligence on more than one occasion, failure to comply with substantial provisions of state laws and regulations, failing to maintain patient records, failing to make requested documents available to the Department of Health, and practicing the profession beyond its authorized scope as set forth in Section 6530 of the Education Law of the State of New York (hereinafter Education Law). The Respondent admits the Factual Allegations in paragraph A of the Statement of Charges. The Respondent admits in part the Factual Allegations in paragraph B of the Statement of Charges in that she was issued a limited license to practice Gynecology not Obstetrics and

Gynecology. The Respondent admits in part the Factual Allegations in paragraph D of the Statement of Charges in that “she did review certain questionnaires submitted to her through the Internet for what she believed to be quality assurance purposes” (Ex. 1A). The Respondent denies in their entirety the Factual Allegations set forth in paragraphs C, E and F, and the seventy-eight specifications of misconduct set forth in the Notice of Hearing and Statement of Charges attached hereto and made part of this Decision and Order, and marked as Appendix 1.

FINDING OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Unless otherwise noted, all findings and conclusions set forth below are the unanimous determinations of the Hearing Committee. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. Numbers below in parentheses refer to exhibits (denoted by the prefix “Ex.”) or transcript page numbers (“Tr.”). These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding.

Having heard argument and considered the documentary evidence presented, the Hearing Committee hereby makes the following finding of fact:

1. On or about April 28, 2004, Joyce Wong Buckley M.D., the Respondent, was authorized to practice medicine in New York State by the issuance of a 3-year limited license number 002113 and this limited license was extended by 6 years on or about April 19, 2007. The Respondent’s limited license authorizes her to practice obstetrics and gynecology only in the medically underserved area of Watertown, New York (Ex. 4 & 5).

2. The Respondent is not a Fellow of the American College of Obstetricians and Gynecologists (“FACOG”) and used the FACOG designation on her office letterhead (Tr. 450-453, 459-464, Ex. 3 p.1, Ex.5 pp.5&7).
3. On or about 2005 through 2007, the Respondent reviewed information submitted online by persons who were not part of the medically underserved population of persons needing Gynecological and Obstetrics Services in Watertown New York and authorized the dispensing of thousands of prescriptions for non- controlled prescription drugs to men and women located throughout the United States (Ex. 7, 8, 10 Tr. 40, 447-450).
4. The Respondent was practicing medicine when she performed the on-line reviews acting as the ultimate decision maker in the prescribing process making a final determination about whether to approve or disapprove the dispensing of a medication (Tr. 375, 381, 394 –395, 472-482, 492, 546).
5. The Respondent’s prescribing decisions were based solely on the information provided in the on-line survey (Tr. 433-435). The Respondent was compensated in the amount of \$2.00 for each determination about whether a drug should be dispensed. Approximately 75,000 prescribing determinations were made in the Respondent’s name and her total compensation was approximately \$150,000.00 (Tr. 417–419, 422-424, 512-514).
6. The Respondent had no contact with the Internet Company, pharmacy, or patients, and assumed the information provided in the surveys came from a patient, and did not know when a patient made multiple requests for medication (Tr. 375, 379,406 –412, 418 –419, 430-435).
7. Each online survey contained the same survey questions and the information adduced through the on-line survey was grossly inadequate to make a final determination about whether or not a medication should ultimately be dispensed (Ex. 10, Tr. 431-434).

8. The Respondent did not retain copies of the online surveys for each patient and /or make available any relevant records requested by the New York State Department of Health (Tr. 115-117, 440-444, 506-508, 514, Ex. 11,12 &13).

CONCLUSIONS

The Hearing Committee sustained the Factual Allegations set forth in Paragraph A, B, C, D, E and F (a) F (b), F (d) of the Statement of Charges and fifty-nine specifications of misconduct. The Hearing Committee found based on a preponderance of the evidence that the Respondent's conduct constitutes negligence on more than one occasion, gross negligence, practicing the profession beyond its authorized scope, failure to maintain patient records, and failure to make requested records available to the Department pursuant to Education Law Section 6530(3), (4), (2), (32), (28) respectively (Ex. 2). The Hearing Committee did not sustain the Factual Allegations in Paragraph F(c) and Specifications 21- 29 set forth in the Statement of Charges that specifically relate to Education Law Section 6530 (16) failure to comply with substantial provisions of state laws and regulations "namely" "Prescribing only on official New York State prescription forms" (Ex.2).

The Hearing Committee's conclusions were unanimous and based mainly on the Respondent's own testimony and the documentary evidence introduced at the hearing. The Respondent testified on her own behalf and presented no other witnesses. The Respondent testified that she was issued a limited license to practice gynecology in the underserved area of Watertown, New York. The Respondent testified that during 2005-2007, she approved or disapproved the prescribing of medication based on her review of online questionnaires/surveys (hereinafter "online surveys" or "surveys") and assumed the information contained in each

survey was provided by the patient seeking the medication. The online surveys contained geographical information for the patients who were men and women residing throughout the United States. The patients were seeking medications not commonly prescribed in the practice of gynecology and obstetrics. The Respondent testified that she did not maintain copies of the patient surveys or obtain or produce information requested by the Department.

The Respondent's own self-described online activity of approving or disapproving of the dispensing of a drug based on the information in the online survey shows that she was practicing medicine acting as the final and ultimate decision maker in the prescribing process. The Respondent was prescribing medication to persons outside her designated practice area of Watertown, New York. Based on the foregoing, the Hearing Committee found that the Respondent is guilty of practicing medicine beyond the scope of her limited license.

While the Hearing Committee determined that the Respondent's online activities constituted prescribing, it was not clear to the Hearing Committee that the Respondent was issuing prescriptions online. For this reason the Hearing Committee did not sustain the specifications pertaining to failing to comply with the substantial provisions of state laws and regulations "namely" "Prescribing only on official New York State prescription forms."

The Respondent had no contact with the Internet Company, pharmacy, or patients, and assumed the information provided in the surveys came from a patient, and did not know when a patient made multiple requests for medication. The Respondent made thousands of prescribing decisions about whether a medication should be dispensed based solely on the information contained in the online survey. The patient information provided in the online survey was grossly insufficient to make an informed decision about whether the drug should ultimately be dispensed. The Respondent admitted that she did not retain copies of the online survey

information or make available copies of the surveys or other information requested by the Department. Based on the foregoing, the Hearing Committee found that the Respondent is guilty of negligence on more than one occasion, gross negligence, and failing to maintain patient records and /or make requested records available to the Department.

The Hearing Committee found that the Respondent's defense of her actions to be self-serving and lacking credibility. While the Respondent did not call her Partner (hereinafter "Partner") to testify on her behalf, the Respondent testified that she and her Partner did nothing wrong and her Partner, who is also a physician, set up the Respondent's: limited license and practice in Watertown, New York; arrangement with the Internet Company; computer; and bank account to deposit her compensation for the reviews. The Respondent also said that her Partner told her she could use the designation "FACOG" and that her Partner put the designation next to her name on the letterhead created for their joint practice. Further, the Respondent repeatedly stated that she performed only a small portion of the reviews and that she allowed her Partner to perform the reviews under her name because she was busy with her practice and taking care of her family and could not meet the deadline to submit completed reviews (Tr. 513). The Respondent when pressed about what "a few" reviews meant testified that she reviewed approximately 10-15 percent of the 75,000 surveys that were reviewed in her name (Tr. 383). The Respondent said each review took a couple of minutes or longer. Based on the Respondent's own account, she would have reviewed upwards of 10,000 surveys, and spent more than an hour each and every day performing the reviews. Finally, the Respondent asked the Hearing Committee to believe that over a two-year period her Partner reviewed almost one hundred on line surveys daily and did so in the Respondent's name without compensation. According to the Respondent, not only did her Partner perform the majority of her survey

reviews by an unspecified deadline, her Partner performed an undisclosed number of reviews in his own name.

The Hearing Committee wholly rejected the Respondent's argument that her Partner was in any way responsible for her understanding of her practice parameters, online prescribing practice, and to know whether she was a Fellow of the College of Obstetrics and Gynecology.

The Respondent was adamant that she was performing a quality assurance function when she was reviewing the surveys. The Hearing Committee found it impossible to believe that the Respondent could be so certain she was performing a quality assurance function when she testified that at the time she was performing the reviews she: did not know the name of the Internet company or pharmacy, did not know why a physician would be asked to perform these reviews, never saw an agreement or contract for the work she was performing, did not know when and under what circumstances she provided her signature to the company, did not know whether she was compensated for each and every survey that was reviewed in her name or only those surveys where the prescription was approved for dispensing, never spoke with a patient or physician or anyone from the Internet company or pharmacy, did not know for sure but assumed it was a patient who provided the information on each survey and /or whether the same person filled out multiple surveys to obtain additional medication, whether or where or how the information on the individual surveys was maintained when she was finished reviewing the survey, and did not retain copies of the surveys. The Respondent also testified that she had little understanding of the geographical boundaries of Watertown, New York saying that she did not know whether Albany, Schenectady, Staten Island, New York or for that matter Elizabeth, New Jersey was part of the underserved area of Watertown, New York because she did not have a map (Tr.447-450).

The Hearing Committee found it indefensible that after reviewing thousands of surveys over a two year period, making thousands of prescribing decisions, and being compensated \$150,000.00 the Respondent made no inquiry on her own behalf about her online responsibilities, the purpose of the survey reviews, and/or who was providing the survey information and where they were located, and whether and/or how the online survey information was maintained.

DETERMINATION AS TO PENALTY

The Hearing Committee found that the Respondent is not remorseful, took no responsibility for understanding the parameters of her license to practice medicine, and displayed utter disregard for the potential and unknown consequences of her online prescribing practices. The Respondent under a limited license to practice in the underserved area of Watertown, New York made thousands of prescribing decisions over a two-year period approving the dispensing of medications not commonly related to the practice of gynecology for patients who were located all over the United States, and based her prescribing decisions solely on the limited and grossly insufficient information provided in the online surveys. The Respondent did not keep copies of the patient surveys and did not make these or any other relevant records available to the Department. The Respondent's actions were well below acceptable standards of care.

After due and careful consideration of the penalties available pursuant to Public Health Law Section 230-a, the Hearing Committee has determined that the Respondent's medical license shall be **REVOKED** and because the Respondent profited from the activity the Respondent shall pay a Forty Thousand Dollar (\$40,000) civil penalty within Sixty (60) days of the effective date of this Determination and Order.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The factual allegations set forth in paragraph A, B, C, D, and F (a), F (b), F (d) and the Specifications 1-19, 20, 40-58, 59, 60-78, in the Statement of Charges (Ex. 2) are **SUSTAINED;**
2. The factual allegations in paragraph F subparagraph (c) and Specifications 21-39 as set forth in the Statement of Charges (Ex. 2) are **NOT SUSTAINED;**
3. The Respondent shall pay a civil penalty of Forty-Thousand Dollars (\$40,000) within Sixty (60) days of the effective date of this Determination and Order;
4. The Respondent's license to practice medicine in New York State is hereby **REVOKED;**
5. This **ORDER** shall be effective upon service on the Respondent pursuant to Public Health Law Section 230(10)(h).

DATED: September 12, New York, 2008

BY: ~~Redacted Signature~~
JAMES D. HAYES M.D., Chairperson
DAVID B. MEZA M.D.
VIRGINIA R. MARTY

To: Joyce Wong Buckley, M.D.
333 Pike Road
Sackets Harbor, NY 13685

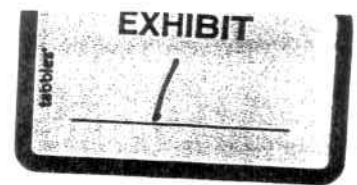
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NYSDOH -Bureau of Professional Medical Conduct
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Albany, NY 12237

APPENDIX I

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



IN THE MATTER
OF
JOYCE WONG BUCKLEY, M.D.

NOTICE
OF
HEARING

TO: Joyce Wong Buckley, M.D.
Redacted Address

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on March 20, 2008, at 10:00 a.m., at a suitable location in Syracuse, NY, to be specified at a later date, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-

0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
January 17, 2008

Redacted Signature

Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Richard J. Zahnleuter
Associate Counsel
Bureau of Professional Medical Conduct
Division of Legal Affairs
New York State Department of Health
Room 2512 Tower Building
Empire State Plaza
Albany, NY 12237

(518) 473-4282



**IN THE MATTER
OF
JOYCE WONG BUCKLEY, M.D.**

**STATEMENT
OF
CHARGES**

FACTUAL ALLEGATIONS

**THE RESPONDENT'S PRACTICE LIMITATION TO
SAMARITAN MEDICAL CENTER IN WATERTOWN**

- A. Joyce Wong Buckley, M.D., (the "Respondent"), was authorized to practice medicine by the issuance of a 3-year "limited license," number 002113, on April 28, 2004 by the N.Y. Education Department. This "limited license" was set to expire on April 28, 2007, but a 6-year extension was issued on April 17, 2007.
- B. The "limitation" imposed by the Education Department was that the Respondent was authorized to practice medicine only in the medically underserved area of Watertown, New York, as an obstetrician/gynecologist having privileges at Samaritan Medical Center.

**THE RESPONDENT'S WORLD WIDE WEB
INTERNET PRESCRIBING PRACTICE**

- C. At times during 2005 and/or 2006 and/or 2007, for a fee paid by an Internet company, the Respondent prescribed on numerous occasions certain non-controlled prescription drugs to customers of the Internet company.
- D. The Respondent prescribed the drugs based on the Respondent's review of questionnaires submitted on-line by members of the general

nationwide public who were not part of the medically underserved population of Watertown, New York, needing obstetrician/gynecologist services at Samaritan Medical Center.

- E. The Respondent failed to make available within 30 days of the N.Y. Health Department's request relevant documents itemized in a letter dated June 12, 2007 (item 1 as clarified on October 11, 2007).
- F. Individually and/or collectively, with respect to the patients identified as Patients A through R in corresponding paragraphs G through Y in the chart below, the Respondent did not meet acceptable standards of medical care in that the Respondent prescribed the drugs:
 - a. Without having performed an in-person medical evaluation and/or otherwise having a sufficient physician-patient relationship; and/or
 - b. Without having formulated an adequate or appropriate diagnosis or treatment plan; and/or
 - c. Without having complied with the "form" and "in good faith" prescription requirements set forth in Public Health Law § 21 and/or 10 NYCRR § 910.2(a) and/or (f); and/or
 - d. Without having maintained an adequate medical record that reflects the evaluation and treatment of the patient.

Paragraph	Patient Name ¹	Patient Sex	Shipping Address (City, State)	Prescription Drug
G	A	Male	West Babylon, New York	Tramadol
H	A	Male	West Babylon, New York	Soma
I	B	Female	Saratoga Springs, New York	Tramadol
J	C	Male	Roslyn Heights, New York	Levitra
K	D	Female	Pelham Manor, New York	Tramadol
L	E	Female	Elizabeth, New Jersey	Fioricet
M	F	Male	Albany, New York	Levitra
N	G	Female	Leeds, New York	Tramadol
O	H	Female	Greenwich, New York	Fioricet
P	I	Male	New York, New York	Levitra
Q	J	Male	Gambrills, Maryland	Soma
R	K	Female	New York, New York	Fioricet
S	L	Female	Patchogue, New York	Fioricet
T	M	Male	Ontario, California	Tramadol

¹To preserve privacy throughout this document, patients are referred to by letter designation. An Appendix of Patient Names, Appendix "A," is attached hereto for appropriate recipients.

Paragraph	Patient Name	Patient Sex	Shipping Address (City, State)	Prescription Drug
U	N	Female	Canajoharie, New York	Fioricet
V	O	Female	Wurtsboro, New York	Soma
W	P	Male	Staten Island, New York	Fioricet
X	Q	Female	New York, New York	Tramadol
Y	R	Male	Schenectady, New York	Tramadol

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH NINETEENTH SPECIFICATIONS

(GROSS NEGLIGENCE)

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

1. The facts set forth in paragraphs F(a, b, c, and/or d) and/or G.
2. The facts set forth in paragraphs F(a, b, c, and/or d) and/or H.
3. The facts set forth in paragraphs F(a, b, c, and/or d) and/or I.
4. The facts set forth in paragraphs F(a, b, c, and/or d) and/or J.
5. The facts set forth in paragraphs F(a, b, c, and/or d) and/or K.
6. The facts set forth in paragraphs F(a, b, c, and/or d) and/or L.
7. The facts set forth in paragraphs F(a, b, c, and/or d) and/or M.
8. The facts set forth in paragraphs F(a, b, c, and/or d) and/or N.
9. The facts set forth in paragraphs F(a, b, c, and/or d) and/or O.
10. The facts set forth in paragraphs F(a, b, c, and/or d) and/or P.
11. The facts set forth in paragraphs F(a, b, c, and/or d) and/or Q.
12. The facts set forth in paragraphs F(a, b, c, and/or d) and/or R.
13. The facts set forth in paragraphs F(a, b, c, and/or d) and/or S.
14. The facts set forth in paragraphs F(a, b, c, and/or d) and/or T.
15. The facts set forth in paragraphs F(a, b, c, and/or d) and/or U.
16. The facts set forth in paragraphs F(a, b, c, and/or d) and/or V.
17. The facts set forth in paragraphs F(a, b, c, and/or d) and/or W.
18. The facts set forth in paragraphs F(a, b, c, and/or d) and/or X.
19. The facts set forth in paragraphs F(a, b, c, and/or d) and/or Y.

TWENTIETH SPECIFICATION
(NEGLIGENCE ON MORE THAN ONE OCCASION)

Respondent is charged with committing professional misconduct as defined in Education Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in any combination of two or more of the following:

20. The facts set forth in paragraphs F(a, b, c, and/or d) and/or G and/or H and/or I and/or J and/or K and/or L and/or M and/or N and/or O and/or P and/or Q and/or R and/or S and/or T and or U and/or V and/or W and/or X and/or Y.

TWENTY-FIRST THIRTY-NINTH SPECIFICATIONS
(FAILURE TO COMPLY WITH SUBSTANTIAL PROVISIONS
OF STATE LAWS AND REGULATIONS)

Respondent is charged with committing professional misconduct as defined in Education Law §6530(16) by willfully or with gross negligence failing to comply with substantial provisions of State laws and regulations, namely Public Health Law § 21 and/or 10 NYCRR § 910.2(a) and/or(f), which relate to prescribing only on official New York State prescription forms and "in good faith," as alleged in the following:

21. The facts set forth in paragraphs F(c) and/or G.
22. The facts set forth in paragraphs F(c) and/or H.
23. The facts set forth in paragraphs F(c) and/or I.
24. The facts set forth in paragraphs F(c) and/or J.
25. The facts set forth in paragraphs F(c) and/or K.
26. The facts set forth in paragraphs F(c) and/or L.
27. The facts set forth in paragraphs F(c) and/or M.

28. The facts set forth in paragraphs F(c) and/or N.
29. The facts set forth in paragraphs F(c) and/or O.
30. The facts set forth in paragraphs F(c) and/or P.
31. The facts set forth in paragraphs F(c) and/or Q.
32. The facts set forth in paragraphs F(c) and/or R.
33. The facts set forth in paragraphs F(c) and/or S.
34. The facts set forth in paragraphs F(c) and/or T.
35. The facts set forth in paragraphs F(c) and/or U.
36. The facts set forth in paragraphs F(c) and/or V.
37. The facts set forth in paragraphs F(c) and/or W.
38. The facts set forth in paragraphs F(c) and/or X.
39. The facts set forth in paragraphs F(c) and/or Y.

**FORTIETH THROUGH FIFTY-EIGHTH SPECIFICATIONS
(FAILING TO MAINTAIN RECORDS)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient, and/or by failing to maintain such a record for 6 years, as alleged in the following:

40. The facts set forth in paragraphs F(d) and/or G.
41. The facts set forth in paragraphs F(d) and/or H.
42. The facts set forth in paragraphs F(d) and/or I.
43. The facts set forth in paragraphs F(d) and/or J.
44. The facts set forth in paragraphs F(d) and/or K.
45. The facts set forth in paragraphs F(d) and/or L.
46. The facts set forth in paragraphs F(d) and/or M.
47. The facts set forth in paragraphs F(d) and/or N.

48. The facts set forth in paragraphs F(d) and/or O.
49. The facts set forth in paragraphs F(d) and/or P.
50. The facts set forth in paragraphs F(d) and/or Q.
51. The facts set forth in paragraphs F(d) and/or R.
52. The facts set forth in paragraphs F(d) and/or S.
53. The facts set forth in paragraphs F(d) and/or T.
54. The facts set forth in paragraphs F(d) and/or U.
55. The facts set forth in paragraphs F(d) and/or V.
56. The facts set forth in paragraphs F(d) and/or W.
57. The facts set forth in paragraphs F(d) and/or X.
58. The facts set forth in paragraphs F(d) and/or Y.

FIFTY-NINTH SPECIFICATION

(FAILING TO MAKE REQUESTED DOCUMENTS AVAILABLE TO THE DEPARTMENT OF HEALTH)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(28) by failing to respond within 30 days to written communications from the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct, as alleged in the following:

59. The facts set forth in paragraph E.

SIXTIETH THROUGH SEVENTY-EIGHTH SPECIFICATIONS

(PRACTICING THE PROFESSION BEYOND WATERTOWN SAMARITAN MEDICAL CENTER)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2) by practicing the profession beyond its authorized scope, as alleged in the following:

60. The facts set forth in paragraphs A and/or B and/or C and/or D and/or G.
61. The facts set forth in paragraphs A and/or B and/or C and/or D and/or H.
62. The facts set forth in paragraphs A and/or B and/or C and/or D and/or I.
63. The facts set forth in paragraphs A and/or B and/or C and/or D and/or J.
64. The facts set forth in paragraphs A and/or B and/or C and/or D and/or K.
65. The facts set forth in paragraphs A and/or B and/or C and/or D and/or L.
66. The facts set forth in paragraphs A and/or B and/or C and/or D and/or M.
67. The facts set forth in paragraphs A and/or B and/or C and/or D and/or N.
68. The facts set forth in paragraphs A and/or B and/or C and/or D and/or O.
69. The facts set forth in paragraphs A and/or B and/or C and/or D and/or P.
70. The facts set forth in paragraphs A and/or B and/or C and/or D and/or Q.
71. The facts set forth in paragraphs A and/or B and/or C and/or D and/or R.
72. The facts set forth in paragraphs A and/or B and/or C and/or D and/or S.
73. The facts set forth in paragraphs A and/or B and/or C and/or D

- and/or T.
74. The facts set forth in paragraphs A and/or B and/or C and/or D and/or U.
 75. The facts set forth in paragraphs A and/or B and/or C and/or D and/or V.
 76. The facts set forth in paragraphs A and/or B and/or C and/or D and/or W.
 77. The facts set forth in paragraphs A and/or B and/or C and/or D and/or X.
 78. The facts set forth in paragraphs A and/or B and/or C and/or D and/or Y.

DATE: January 14, 2008
Albany, New York

Redacted Signature

Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct