

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

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IN THE MATTER  
OF  
RICHARD DEFRANCO, M.D.

CONSENT  
ORDER

BPMC No. #08-55

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Upon the proposed agreement of **RICHARD DEFRANCO, M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4-11-2008

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

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

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IN THE MATTER  
OF  
RICHARD DEFRANCO, M.D.  
CO-05-12-6546-A

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CONSENT  
AGREEMENT  
AND ORDER

RICHARD DEFRANCO, M.D., (Respondent) being duly sworn deposes and says:

That on or about January 17, 1991, I was licensed to practice as a physician in the State of New York, having been issued License No. 184796 by the New York State Education Department.

My current address is Redacted Address

I understand that the New York State Board For Professional Medical Conduct has charged me with two (2) Specifications of professional medical misconduct, based solely upon the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, June 27, 2006, Consent Agreement.

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

I have not practiced medicine in the State of New York since September 2002, and I have no intention to returning to practice of medicine in the State of New York. I agree, therefore, not to contest the two (2) Specifications, in full satisfaction of the charges against me and agree to the following penalty:

to never activate my registration to practice medicine in New York state  
or seek to reapply for a license to practice medicine in New York state.

I stipulate, hereby, that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I make, hereby, this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board grants my Application, as set forth herein, an Order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 4-3-8

Redacted Signature  
RICHARD DEFRANCO, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 07 April 2008

Redacted Signature  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 4/9/08

Redacted Signature  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

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

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IN THE MATTER  
OF  
RICHARD DEFRANCO, M.D.  
CO-05-12-6546-A

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STATEMENT  
OF  
CHARGES

RICHARD DEFRANCO, M.D., Respondent, was authorized to practice medicine in New York state on January 17, 1991, by the issuance of license number 184796 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about June 27, 2006, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine (hereinafter "Pennsylvania Board"), by a Consent Agreement and Order (hereinafter "Pennsylvania Order"), indefinitely SUSPENDED Respondent's license to practice medicine for no less than three (3) years, such suspension immediately STAYED in favor of no less than three (3) years PROBATION, that includes terms and conditions, based on between November 2003 and January 28, 2005, failing to abstain from the use of alcohol by experiencing a relapse that lasted from approximately November 2003 through January 28, 2005; failing to return his drug screening enrollment packet and not complying with random observed body fluid screening resulting in a lack of screening by PHMP since June 2001, thereby rendering Respondent unable to practice the profession with reasonable skill and safely to patients by reason of illness, addiction to drugs or alcohol, or mental impairment.

B. The conduct resulting in the Pennsylvania Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York State law:

1. New York Education Law §6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual abuser of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(b) by having been 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 in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Jan. 8*, 2007  
Albany, New York

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