



Public

New York State Board for Professional Medical Conduct

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Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

June 7, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Douglas M. Hargrave, M.D.
1365 Washington Avenue, Suite 200
Albany, NY 12206

Re: License No. 164432

Dear Dr. Hargrave:

Enclosed is a copy of BPMC #10-95 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 14, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: David R. Ross, 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
DOUGLAS HARGRAVE, M.D.**

**CONSENT
ORDER**

BPMC No. #10-95

Upon the application of (Respondent) DOUGLAS HARGRAVE, 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 it is further

ORDERED, that this Consent 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.

DATE: 6-4-2010

REDACTED

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

**IN THE MATTER
OF
DOUGLAS HARGRAVE, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

DOUGLAS HARGRAVE, M.D., represents that all of the following statements are true:

That on or about October 15, 1985, I was licensed to practice as a physician in the State of New York, and issued License No. 164432 by the New York State Education Department.

My current address is 1365 Washington Avenue, Suite 200, Albany, New York 12206, 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 (Board) has charged me with one 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 the Specification, in full satisfaction of the charges against me, and agree to the following penalty:

I will receive a censure and reprimand.

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

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to

the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee 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 Consent 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 Consent 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 Consent Order shall constitute misconduct as defined by N.Y. Educ. 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 N.Y. Pub. 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 Consent 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. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter

into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 6/2/10

REDACTED

DOUGLAS HARGRAVE, M.D.
RESPONDENT

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

DATE: 6/2/10

REDACTED

~~DAVID R. ROSS, ESQ.~~
Attorney for Respondent

DATE: 6/2/10

REDACTED

~~MICHAEL A. HISER, ESQ.~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/4/10

REDACTED

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
DOUGLAS HARGRAVE, M.D.

STATEMENT
OF
CHARGES

DOUGLAS HARGRAVE, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 15, 1985, by the issuance of license number 164432 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, on or about February 9, 2010, was convicted by plea of guilty of a violation of 21 U.S.C. section 331(k), 21 U.S.C. section 352(i)(3), 21 U.S.C. section 333(a)(1), and 18 U.S.C. section 2, to wit, the misbranding of a drug held for resale after shipment in interstate commerce. Respondent was sentenced to 3 years probation, required to serve 160 hours of community service, and fined \$5,000.

SPECIFICATION OF CHARGES

SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The facts in Paragraph A, above.

DATE: June 2, 2010
Albany, New York

REDACTED

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