



Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.  
Executive Secretary

February 8, 1994

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

John P. Curtis, M.D.  
RR 1, Box 406 F  
Millbrook, New York 12545

RE: License No. 109657  
Effective Date: 2/15/94

Dear Dr. Curtis:

Enclosed please find Order #BPMC 94-13 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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :  
OF : ORDER  
JOHN P. CURTIS, M.D. : BPMC #94-13

-----X

Upon the application of JOHN P. CURTIS, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

ORDERED, that the application and the provisions thereof  
are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 4 February 1994

Charles J. Vacanti  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
JOHN P. CURTIS, M.D. : CONSENT  
: ORDER  
-----X

STATE OF NEW YORK )  
COUNTY OF *Dutchess* ) ss.:

JOHN P. CURTIS, M.D., being duly sworn, deposes and says:  
That on or about August 26, 1971, I was licensed to  
practice as a physician in the State of New York, having been  
issued License No. 109657 by the New York State Education  
Department.

I am currently registered with the New York State Education  
Department to practice as a physician in the State of New York  
for the period January 1, 1993 through December 31, 1994.

I understand that the New York State Board of Professional  
Medical Conduct has charged me with One Specification of  
professional misconduct.

A copy of the Statement of Charges is annexed hereto, made  
a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification in full  
satisfaction of the charges against me.

I hereby agree to the penalty that I will receive a censure and reprimand, and that for one year, I will comply with the Terms of Probation set forth as Exhibit "B".

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

*JP*

JOHN P. CURTIS, M.D.  
RESPONDENT

Sworn to before me this  
17<sup>th</sup> day of JANUARY, 1994.

*Patricia A. Jewell*


NOTARY PUBLIC  
COMMISSIONED IN DUTCHESS COUNTY  
No. 01T05020982  
COMMISSION EXPIRES 12/6/95

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

-----X  
: APPLICATION  
IN THE MATTER :  
: FOR  
OF :  
: CONSENT  
JOHN P. CURTIS, M.D. :  
: ORDER  
-----X

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

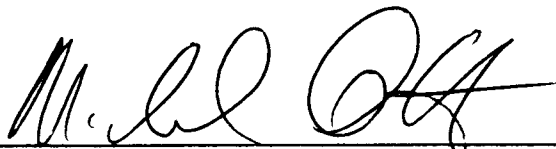
Date: 1.17.94

  
\_\_\_\_\_  
JOHN P. CURTIS, M.D.  
RESPONDENT

Date: 1/24/94

  
\_\_\_\_\_  
JAMES STEINBERG, ESQ.  
ATTORNEY FOR RESPONDENT

Date: 1/27/94

  
\_\_\_\_\_  
MICHAEL A. HISER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 2/4/94

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 4 February 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
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  
JOHN P. CURTIS, M.D. : CHARGES

-----X

JOHN P. CURTIS, M.D., the Respondent, was authorized to practice medicine in New York State on August 26, 1971, by the issuance of license number 109657 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from RR1, Box 406F, Millbrook, New York 12545.

FACTUAL ALLEGATIONS

A. Patient A (patients are identified in the Appendix), a 42 year old woman, was treated by Respondent on several occasions from November 1987 through February 1988 at Respondent's office at Old Route 82, P.O. Box 629, Millbrook, New York 12545 (hereafter "the Office"). Patient A had undergone a radical left breast mastectomy in 1986.

1. Respondent failed to record an adequate history of Patient A, including information on Patient A's



mastectomy, pathology results, and subsequent treatment.

2. Respondent failed to record the performance of an adequate physical examination of Patient A.

B. Patient B, a male patient 58 years old at the time of first treatment, received medical care from Respondent on various occasions from 1980 through 1988 at Respondent's office. Patient B was treated for, among others, hypertension and angina.

1. Respondent failed to adequately record the monitoring of Patient B's blood pressure despite treating Patient B for hypertension for more than five years.
2. Respondent failed to adequately record the monitoring of Patient B for organ damage secondary to hypertension.

C. Patient C, a female patient 57 years old at the time of first treatment, received medical care from Respondent on various occasions from 1979 through 1989 at Respondent's office and the Sharon Hospital. Patient C was originally diagnosed as having hypertension.

1. Respondent failed to adequately record the monitoring of pertinent physical conditions of Patient C from 1982 to 1989, including Patient C's blood pressure, weight, and possible end organ damage due to Patient C's hypertension.

D. Patient D, a female patient 61 years old at the time of first treatment, received medical care from the Respondent on various occasions from 1981 through 1989 at Respondent's office and the Sharon Hospital.

1. Respondent failed to adequately record the monitoring of pertinent physical conditions of Patient D from 1981-1989, including pulse, respiration, blood pressure, and weight.
2. Respondent failed to record the rationale for the prescription of Demerol to Patient D on August 31, 1989 for sciatica pain, a condition for which she was not currently symptomatic.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

FAILING TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct under N.Y. Educ. Law §6530(32) (McKinney Supp. 1993), by failing to maintain a record for each patient which accurately reflects the evaluation and the treatment of the patient, in that Petitioner charges:

1. The facts in paragraphs A and A.1, A and A.2, B and B.1, B and B.2, C and C.1, D and D.1, and/or D and D.2.

DATED: Albany, New York

*January 28, 1994*

*Peter D. Van Buren*

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

EXHIBIT "B"

TERMS OF PROBATION

1. JOHN P. CURTIS, M.D., during the period of probation, shall conduct him in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. Pursuant to the submission of my Application for Consent Order to the State Board for Professional Medical Conduct, Respondent agrees to have his practice of medicine monitored as provided in this agreement and on the following terms:
  - a. Respondent shall assure that his practice of medicine shall be monitored by a physician [hereafter, "monitor"], licensed to practice medicine in New York State and currently engaged in the practice of medicine, who shall be actively engaged in internal medicine or family practice. Respondent shall select such a monitor no later than 30 days from the date this agreement is signed by the Director of the Office of Professional Medical Conduct [hereafter, "Director of OPMC"] and apprise the Director of OPMC of the physician selected. The monitor shall not be a member of Respondent's family. Respondent shall select a successor monitor(s) if that becomes necessary during the term of this agreement.
  - b. The monitor shall be subject to the approval of the Director of OPMC, shall be aware of and have a copy of this agreement, shall submit to the Director of OPMC a curriculum vitae or brief written description of his or her medical education, experience and current practice, and shall submit a written acknowledgement to the Director of OPMC that he or she will serve as a monitor of Respondent's practice of medicine according to the terms of this agreement. The continuation of the appointment of the initial monitor, as well as the appointment of any successor monitor, shall be subject to the approval of the Director of OPMC.
  - c. Respondent shall cooperate with the monitoring of his practice by the monitor. The monitoring shall be conducted on a random basis, of a minimum of 30 patient charts every 3 months. The monitoring shall include, with respect to the patient records reviewed, an assessment of the adequacy and/or appropriateness of Respondent's record keeping practices to determine whether there has been adequate documentation of Respondent's prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients to other physicians or health care professionals.
  - d. Respondent shall cause the monitor to submit to the Director of OPMC written quarterly reports regarding the monitoring of Respondent's practice of medicine. The written reports shall include a written assessment of the areas of practice outlined in paragraph (c), above. The written assessment shall also include the monitor's conclusion that Respondent is practicing medicine with reasonable skill and safety to his patients, and the basis for such a conclusion.

- e. In the event the monitor concludes or has reason to believe that Respondent is not practicing medicine with reasonable skill and safety to his patients, the monitor shall immediately notify the Director of OPMC and shall include in the report submitted to the Director of OPMC, identification of the problems or causes for concern in Respondent's practice of medicine, identification of any patient cases involved, copies of the records of such patients, and Respondent's explanation, if any, of the problems or concerns.
  - f. Respondent understands that payment for the services of persons or other matters referenced in this agreement is Respondent's responsibility.
  - g. These monitoring provisions shall be effective on the date the director of OPMC approves the physician who shall monitor Respondent's practice of medicine and shall continue for one year thereafter.
  - h. Respondent shall be required to maintain medical malpractice insurance coverage with limits no less than two million dollars per occurrence and six million dollars per policy year.
7. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.