

July 25, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Philip Barr, M.D.

**ADDRESS REDACTED**

Re: License No. 141927

Dear Dr. Barr:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-224. This order and any penalty provided therein goes into effect July 31, 2013.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.**

**If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

**SIGNATURE REDACTED**

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

Enclosure

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

IN THE MATTER  
OF  
PHILIP BARR, M.D.

CONSENT  
ORDER

BPMC#: 13-224

Upon the application of, PHILIP BARR, M.D. (Respondent), in the attached Consent Agreement, 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 or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: July 24, 2013

SIGNATURE REDACTED

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Carmela Torrelli  
Vice 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

CONSENT

OF

AGREEMENT

PHILIP BARR, M.D.  
CO-12-07-3612-A

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PHILIP BARR, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about April 25, 1980, I was licensed to practice medicine in the State of New York and issued license number 141927 by the New York State Education Department.

My current address is ADDRESS REDACTED, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

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

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a \$1,000.00 fine, the requirement I comply fully with the July 27, 2012, Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, Decision and Order, and that I keep my New York state license registration active.

I do not contest the Second Specification, and:

I agree, in lieu of the settlement offered by the State of New York:

to never practice medicine in New York state as a physician,  
activate my registration to practice medicine as a physician in New York state or  
seek to reapply for a license to practice medicine as a physician in New York state.  
[Limitation on registration or issuance of any further license pursuant to Public Health  
Law Section 230-a(6)].



I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent 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 New York Public 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 the 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 or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent 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 of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public 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, administratively and/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, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent 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.

AFFIRMED:

DATED: 7/18/13

SIGNATURE REDACTED

PHILIP BARR, M.D.  
Respondent

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

DATE: 7/22/13

SIGNATURE REDACTED

JOEL E. ABELOVE  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 7/24/13

SIGNATURE REDACTED

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  
PHILIP BARR, M.D.  
CO-12-07-3612-A

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STATEMENT  
OF  
CHARGES

PHILIP BARR, M.D., Respondent, was authorized to practice medicine in New York state on April 25, 1980, by the issuance of license number 141927, by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about July 27, 2012, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Decision"), inter alia, Revoked Respondent's medical license, stayed the revocation, and placed Respondent on probation for three years with terms and conditions, based on Respondent aiding or abetting unlicensed persons or entities to engage in the practice of medicine, in violation of Section 2264 of the California Business and Professions Code; directly or indirectly assisting in or abetting the violation of, or conspiring to violate, the following provisions of the California Medical Practice Act: section 119 (permitting the use of his license by another), section 125 (allowing his license to be used by an unlicensed person or acting as the agent or partner of an unlicensed person), sections 2051, 2052, and/or 2054 (unlicensed medical practice); disseminating or causing to be disseminated public communications containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business, in violation of Section 2271 of the California Business and Professions Code; and committing acts involving dishonesty or corruption, in violation of Section 2234(e) of the California Business and Professions Code.

B. The conduct resulting in the California Board disciplinary action 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(3) (Practicing the profession with negligence on more than one occasion).
2. New York Education Law §6530(2) (Practicing the profession fraudulently or beyond its authorized scope).
3. New York Education Law §6530(11) (Permitting, aiding or abetting an unlicensed person to perform activities requiring a license).
4. New York Education Law §6530(20) (Moral Unfitness).
5. New York Education Law §6530(27) (Advertising or soliciting for patronage that is not in the public interest).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

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

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

DATED: *May 2*, 2013  
Albany, New York

**SIGNATURE REDACTED**

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