

Nirav R. Shah, M.D., M.P.H.  
Commissioner

**NEW YORK**  
*state department of*  
**HEALTH**

Public

Sue Kelly  
Executive Deputy Commissioner

October 23, 2013

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

Richard J. Quigg, Jr., M.D.  
REDACTED

Re: License No. 152785

Dear Dr. Quigg:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-349. This order and any penalty provided therein goes into effect October 30, 2013.

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,

REDACTED

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

Enclosure

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**IN THE MATTER**  
**OF**  
**RICHARD J. QUIGG, M.D.**

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**CONSENT**  
**ORDER**

Upon the application of **RICHARD J. QUIGG, M.D.**, (Respondent), in the attached Consent Agreement, that 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.

DATED: 10/22/2013

**REDACTED**

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ARTHUR S. HENGERER, 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 J. QUIGG, M.D.  
CO-12-10-5450-A

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CONSENT

AGREEMENT

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

That on or about December 17, 1982, I was licensed to practice medicine in the State of New York and issued license number 152785 by the New York State Education Department.

My current address is: 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 one (1) Specification of professional misconduct.

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

I do not contest the one (1) Specification, and agree to the following sanction:

Censure and Reprimand;

I agree, further, that the Consent Order shall impose the conditions outlined in Exhibit B, for a period of five (5) years.

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 remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall : report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law §230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; 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 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: 10/16/13

REDACTED

RICHARD J. QUIGG, M.D.  
Respondent

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

DATE: 10/16/13

REDACTED

✓ JOEL E. ABELove  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 10/21/13

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

## EXHIBIT A

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
RICHARD J. QUIGG, M.D.  
CO-12-10-5450-A

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STATEMENT  
OF  
CHARGES

RICHARD J. QUIGG, M.D., Respondent, was authorized to practice medicine in New York state on December 17, 1982, by the issuance of license number 152785 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 17, 2012, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, (hereinafter "Illinois Board"), by a Consent Order (hereinafter "Illinois Order"), inter alia, Reprimanded Respondent's medical license, indefinitely suspended Respondent's Illinois Controlled Substance License, and ordered Respondent to pay a \$5,000.00 fine, based on his obtaining controlled substances for personal use, in violation of 225 Illinois Compiled Statutes, Paragraph 60/22(A)(17) and (33).

B. The conduct resulting in the Illinois Medical 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(8) (being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects).
2. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope)



**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension 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.

DATE: August 6, 2013  
Albany, New York

REDACTED

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MICHAEL A. HISER  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT B

1. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department, Division of Professional Licensing Services, and shall pay all registration fees.

2. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the request of the Director, OPMC, Respondent shall meet in person with the Director's designee.

3. The Director of OPMC may review Licensee's professional performance. This review may include, but shall not be limited to: a review of office records, patient records, hospital charts and/or electronic records, and interviews or periodic visits with Licensee and staff at Licensee's practice locations, whether at those locations or at OPMC offices.

4. Licensee shall maintain complete, legible office and hospital medical records that accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

5. Licensee shall remain free from alcohol and all other mood altering substances other than those prescribed for Licensee's treatment by a licensed health care professional aware of Licensee's history of chemical dependency and/or mental illness. Licensee shall not self-prescribe any medications.

6. Licensee shall remain active in self-help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.

7. Licensee shall notify all treating physicians of Licensee's history of chemical dependency. Licensee shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.

8. Licensee shall provide the Director of OPMC with, and ensure to keep current and effective, fully executed waivers of patient confidentiality for any prior or prospective evaluation and treatment records; these waivers shall comply with the requirements of federal confidentiality laws and regulations, including but not limited to: HIPAA, Public Law 104-191, et seq., and the laws governing confidentiality of substance abuse records, at 42 U.S.C. §§290dd-3 and ee-3 and 42 C.F.R. Part 2.

9. At the direction of the Director of OPMC, Licensee shall submit to evaluations by a board-certified psychiatrist, licensed mental health practitioner or other health care professional designated by the Director. Licensee shall provide the evaluator with copies of all previous treatment records and a copy of this Order. The evaluator shall report to the Director regarding Licensee's condition and fitness or incapacity to practice as a physician. Licensee shall comply with all treatment recommendations based on the evaluation; failure to comply with such treatment recommendations shall constitute professional misconduct.

10. Licensee shall enroll, or continue enrollment, in the Committee for Physician Health (CPH) and shall engage in a contract with CPH that defines the terms, conditions and duration of Licensee's recovery program. Licensee shall comply with the contract. Licensee shall give written authorization for CPH to provide the Director of OPMC with all information or

documentation requested by OPMC to determine whether Licensee is in compliance with the contract and with this Order, including full access to all records maintained by CPH with respect to Licensee.

11. Licensee shall cause CPH to report to OPMC promptly if Licensee refuses to comply with the contract, refuses to submit to treatment or if Licensee's impairment is not substantially alleviated by treatment.

12. Licensee shall cause CPH to report immediately to OPMC if Licensee is regarded at any time to be an imminent danger to the public.

13. Licensee's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Licensee as defined in N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of this Order and may subject Licensee to an action pursuant to N.Y. Pub. Health Law § 230.

14. Licensee 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. Licensee shall not exercise the option provided in § 6502(4) to avoid registration and payment of fees.

15. Licensee shall provide the Director, OPMC, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, with the following information, in writing, and ensure that this information is kept current: a full description of Licensee's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed health care organizations, and/or applications for such affiliations and/or privileges; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Licensee shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.

16. Licensee shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Licensee shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

17. Licensee shall comply with all terms, conditions, restrictions, and limitations imposed by this Order, and shall bear all related compliance costs. Upon receiving evidence of noncompliance with or violation of these terms, the Director, OPMC, and/or the Board may initiate a proceeding against Licensee under N.Y. Pub. Health Law § 230. Licensee's failure to comply with this Order, if proven, shall constitute professional misconduct as defined by N.Y. Educ. Law, including, but not limited to, N.Y. Educ. Law §6530(29), which defines professional misconduct to include "... violating any ... condition ... imposed on the Licensee pursuant to section two hundred thirty of the public health law."

18. The period of conditions shall toll when Licensee is not engaged in active practice as a physician in New York State for 30 consecutive days or more. Licensee shall notify the Director of OPMC, in writing, if Licensee is not currently engaged in or tends to leave active practice as a physician in New York State for 30 consecutive days or more, and Licensee shall then notify the Director again at least 14 days before returning to active practice as a physician in New York State, the period of conditions shall resume and Licensee shall fulfill any unfulfilled terms and such additional requirements as the Director may impose as reasonably

relate to Licensee's history of substance abuse (whether before or after Licensee enters in this agreement) or as are necessary to protect the public health.