



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

February 8, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Brian Paul Dean, R.P.A.

108 Ansonia Court

Camillus, NY 13088

RE: License No. 004844

Dear Mr. Dean:

Enclosed please find Order #BPMC 00-33 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 8, 2000**.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: David M. Primo, Esq.
Primo, Primo, Centra & Kirwin, LLP
5112 West Taft Road, Suite J
Liverpool, NY 13088-4878

Mark Fantauzzi, Esq.

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

IN THE MATTER
OF
BRIAN PAUL DEAN, R.P.A.

CONSENT
AGREEMENT
AND
ORDER

BPMC #00-33

BRIAN PAUL DEAN, R.P.A., (Respondent) says:

That on or about September 1, 1994, I was licensed to practice as a physician assistant in the State of New York, having been issued License No. 004844-1 by the New York State Education Department.

My current address is 108 Ansonia Court, Camillus, New York, 13031, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with eight (8) specifications of professional misconduct.

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

I do not contest the charges made against me. I hereby agree to the following penalty:

I. The imposition of a limitation upon my professional license requiring the direct and continuous supervision by a physician of my performance of medical and professional services for a period of five (5) years, said five (5) year period to commence upon the effective date of this Consent Agreement And Order.

II. During each of the five years of this Consent Agreement And Order, Respondent shall enroll in and complete a continuing

education program to be equivalent to at least 50 hours of Continuing Medical Education. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period of probation or as otherwise specified in this Consent Agreement And Order.

III. I shall disclose to my present employer, any future employer, and any physician who is or who shall become responsible for the supervision of medical services performed by me, of the limitations placed upon my professional license by this Consent Agreement And Order, and such employers and physicians shall be expressly made aware by me of the supervisory responsibilities required of them by this Consent Agreement And Order. Such disclosure as is required by this paragraph shall be made in writing and a copy of said written disclosure shall be delivered to the Director of the OPMC.

Additionally, compliance with the terms and conditions of this Consent Agreement And Order shall be confirmed to the OPMC by a physician whose identity shall be proposed by me and who shall be subject to the prior written approval of the Director of the OPMC. Said physician shall have knowledge of such compliance and shall be employed or otherwise engaged by the entity by which I am employed or otherwise engaged. Such confirmation shall be in writing and shall be delivered to the Director of OPMC on at least a quarterly basis. Such confirmation of compliance shall be based, at a minimum, upon an inquiry made of me and of those responsible for my supervision in accordance with paragraph "I" of this Consent Agreement And Order, and upon a review of the medical and other records of patient care for those patients to whom I have provided

medical and professional services. Should said physician discover that I am not in compliance with the terms and conditions of this Consent Agreement And Order, said physician shall, within 24 hours, report such lack of compliance in writing to the Director of OPMC.

IV. I shall be subject to a five (5) year period of probation, subject to all of the provisions heretofore set forth and which are otherwise contained in this Consent Agreement And Order, including but not limited to the provisions set forth in Exhibit "B" annexed hereto.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification

of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp. 2000).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 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:

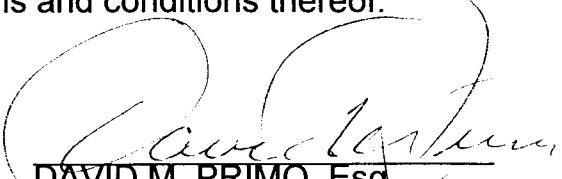
DATED

1/24/09 


BRIAN PAUL DEAN, R.P.A.
RESPONDENT

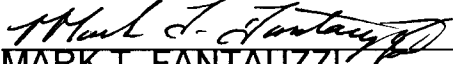
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 1/24/00




DAVID M. PRIMO, Esq.
Primo, Primo & Kirwan, L.L.P.
Attorney for Respondent

DATE: 1/26/00



MARK T. FANTAUZZI
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: Jan 31, 2000



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
BRIAN PAUL DEAN, R.P.A.

CONSENT
ORDER


Upon the proposed agreement of BRIAN PAUL DEAN, R.P.A.,
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to 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: 2/2/00


WILLIAM P. DILLON, 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 : STATEMENT
OF : OF
BRIAN PAUL DEAN, RPA : CHARGES

-----X

BRIAN PAUL DEAN, RPA, The Respondent, was authorized to practice as a physician assistant in New York State on September 1, 1994, by the issuance of license number 004844-1 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice as a physician assistant with a registration address of 108 Ansonia Court, Camillus, New York, 13031 or 5100 West Taft Road, Liverpool, New York, 13088.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached appendix) on or about December 22, 1996 at the North Medical Urgent Care Center in Liverpool, New York. Respondent's care and treatment of Patient A failed to meet acceptable standards of care in that:

1. Respondent failed to obtain and/or document an

adequate patient history.

2. Respondent failed to appropriately evaluate Patient A's liver function.
3. Respondent failed to evaluate Patient A's cardiac enzymes.
4. Respondent failed to analyze and/or failed to document his evaluation of Patient A's symptoms and/or failed to adequately document whether test results for Patient A were reviewed.

B. Respondent treated Patient B on or about November 2, 1998, at the North Medical Urgent Care Center in Liverpool, New York. Respondent's care and treatment of Patient B failed to meet acceptable standards of care in that:

1. Respondent failed to obtain and/or document an adequate patient history.
2. Respondent failed to appropriately evaluate and/or failed to correctly diagnose Patient B's condition.
3. Respondent failed to obtain a previously performed chest X-ray during the course of his treatment of Patient B.
4. Respondent discharged Patient B home shortly after the administration of Demerol and Vistaril to Patient B.

C. Respondent treated Patient C on or about January 28, 1999, at the North Medical Urgent Care Center in Liverpool, New York. Respondent care and treatment of Patient C failed to meet acceptable standards of care in that:

1. Respondent failed to obtain and/or document an adequate patient history and/or failed to perform and/or document the performance of an adequate physical examination of Patient C.
2. Respondent failed to appropriately evaluate Patient C and/or failed to correctly diagnose Patient C's condition.
3. Respondent failed to review and/or document a review of laboratory tests ordered by him, and/or failed to appreciate and/or evaluate laboratory tests ordered by him and/or adequately document the same.
4. Respondent failed to adequately treat Patient C in response to abnormal laboratory results.

D. Respondent treated Patient D on or about December 8, 1998 at the North Medical Urgent Care Center in Liverpool, New York. Respondent's care and treatment of Patient D failed to meet acceptable standards of care in that:

1. Respondent failed to adequately perform and/or document

the performance of a physical examination of Patient D.

2. Respondent failed to adequately evaluate and/or document the evaluation of Patient D for signs and symptoms of physical abuse and/or neglect.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE

Respondent is charged with practicing with negligence on more than one occasion in violation of New York Education Law section 6530(3), in that Petitioner charges:

The facts in Paragraphs:

A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4; and/or

B and B.1, and/or B and B.2, and/or B and B.3, and/or B and/or B.4; and/or

C and C.1, and/or C and C.2, and C and/or C.3, and/or C and C.4; and/or

D and D.1; and/or D and D.2.

SECOND THROUGH EIGHTH SPECIFICATIONS
FAILURE TO MAINTAIN PATIENT RECORDS

Respondent is charged with failure to maintain adequate patient records in violation of Education Law section 6530(32) in that Petitioner charges:

The fact in paragraphs:

A and A.1, and/or A and A.4; and/or
B and B.1; and/or
C and C.1, and/or C and C.3; and/or
D and D.1, and/or D and D.2.

DATED: *January 27*, 2000
Albany, New York



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

EXHIBIT "B"

Terms of Probation

1. The imposition of a limitation upon my professional license requiring the direct and continuous supervision by a physician of my performance of medical and professional services. Said supervision shall require the actual physical presence of said supervising physician at the time and place where such medical and professional services are performed by me. Said limitation shall require that said physician shall expressly approve of the treatment plan and/or medical determinations made by me with respect to every patient or person to whom I render medical and professional services before such patients and persons are (1) released from my care; and/or (2) discharged from the facility at which such services are performed by me to any other location; and/or (3) otherwise before the final disposition of the medical care of such patients or persons for whom services were performed by me. Said review by said physician shall include, but not be limited to, the medical history taken by me, any diagnostic tests ordered by me and acknowledgment by me of the same, the accuracy of any diagnosis and/or assessment made by me, the treatment plan determined by me, and the completeness of associated medical records. A physician shall co-sign every chart of every such patient or person prior to such patient's or person's discharge or other disposition as aforesaid.
2. Respondent shall enroll in and complete an intensive program of continuing medical education offered by an institution or organization which shall be proposed by Respondent and which shall be subject to the prior written approval of the Director of OPMC, within the first year of the effective date of this Consent Agreement And Order. The curriculum of said program of continuing medical education shall include, but not be limited to, programs in emergency medicine and family practice.
3. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
4. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
5. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].

6. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
7. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
8. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.