

OPMC REPORTER



Provided to MSSNY by Kern Augustine Conroy & Schoppmann, P.C.

The Office of Professional Medical Conduct (“OPMC”) is the investigative and prosecutorial agency charged with bringing actions against the physicians in the state of New York. By bringing these actions to the forefront, it is hoped that awareness will aid physicians in the risk management of their practice and the protection of their license to practice medicine.

The adverse impact

of a single OPMC

action can

outweigh that of

any malpractice

claim.

- **Harassing, Abusing or Intimidating Either Physically or Verbally a Patient**
License suspension for one year, stayed with probation for three years. The physician has a permanent license restriction whereas he may only examine and/or treat female patients in the presence of a chaperone. The allegation includes the physician willfully harassing, Abusing or Intimidating Either Physically or Verbally a Patient during a physical examination.
- **Disciplined by the New Jersey State Board of Medical Examiners for Engaging in Sexual Contact With a Patient During a Medical Visit**
Censure and reprimand with \$5,000 fine and a permanent license limitation allowing the physician to only examine female patients in the presence of a chaperone. The physician did not contest the charge of having been disciplined by the New Jersey State Board of Medical Examiners for Engaging in sexual contact with a patient during a medical visit.
- **Disseminating Indecent Material to Minors**
License revocation. The Review Board affirmed The Hearing Committee’s determination finding the physician guilty of having been convicted in the New York State Supreme Court of attempted disseminating indecent material to minors. The Review Board overturned the Hearing Committee’s penalty and revoked the physician’s license.
- **Driving While Intoxicated and Making False Statements on Registered Application**
\$2,000 fine and the physician must submit to a psychiatric evaluation for impairment due to alcoholism. The Hearing Committee sustained the charges finding the physician guilty of having been convicted twice in the New York City Criminal Court, Richmond County of driving while intoxicated and for making false statements on a registration application.
- **Disciplined by the Connecticut Medical Examining Board for Writing Prescriptions**
License revocation. The Hearing Committee sustained the charge finding the physician guilty of having been disciplined by the Connecticut Medical Examining Board for writing prescriptions in his son’s name for his own use; self-prescribing and prescribing medications for his wife without maintaining appropriate patient records.

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- **Gross Negligence, Gross Incompetence; Failing to Maintain Adequate Patient Records, Practicing the Profession While Impaired by Alcohol, etc**

Indefinite license suspension for a period of at least one year after which the physician may petition for a modification staying the suspension with probationary terms and/or conditions concerning his practice of medicine. The Hearing Committee sustained the charges finding the physician guilty of gross negligence; gross incompetence; negligence on more than one occasion; incompetence on more than one occasion; failing to maintain adequate patient records; being a habitual abuser of alcohol and practicing the profession while impaired by alcohol.

Far too few

physicians are aware

of the overwhelming

weight that would

befall them if targeted

by the OPMC.

- **Disciplined by the Florida State Board of Medical Examiners for Altering Records**

Censure and reprimand and a \$15,000 fine and the physician must comply with the terms of the Florida State Medical Board Order. The physician did not contest the charge of having been disciplined by the Florida State Medical Board for altering patient records.

- **Disciplined by the New Jersey State Board of Medical Examiners for Prescribing Controlled Substances Without Performing Physical Examination, Keeping Inadequate Records of Treatment and Providing False Information on an Application**

License suspension for twenty four months retroactive to December 1, 2009 with the last twenty one months stayed and \$12,000 fine. The physician is prohibited from prescribing controlled substances for forty-two months retroactive to April 8, 2009, but may prescribe controlled substances in a hospital or office-based surgery setting and for patients he has performed an in-person medical evaluation and maintained an accurate record detailing the treatment given. He must also comply with the terms of the U.S. Drug Enforcement Administration "Suspension of Registration" and the New Jersey State Board of Medical Examiners Order. The physician did not contest the charge of having his license suspended by the U.S. Drug Enforcement Administration for prescribing controlled and uncontrolled substances through the internet without a legitimate medical purpose and not in the usual course of his professional practice, and also being disciplined by the New Jersey State Board of Medical Examiners for prescribing controlled substances without performing physical examinations, keeping inadequate records of treatment and providing false information on an application.

- **Petit Larceny Involving False Billing**

The physician's medical license is limited to preclude patient contact and any practice of medicine, clinical or otherwise in the State of New York and in any other jurisdiction where the practice of medicine is predicated on his New York State medical license. However, the physician may provide alcohol or substance abuse and dependency assessments and/or treatment. The physician did not contest the charge of having been convicted in the District Court of Nassau County - Hempstead of petit larceny involving false billing.

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Increased awareness will hopefully result in an increased willingness among physicians to take action to make the OPMC process fair to both the complainants and the physicians. A fair and just disciplinary system should be a goal that no one can, or should argue or work against. Any questions call KACS at 800-445-0954, or email at info@kacs.com.