

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.

- **Fraudulent Practice & Failure to Maintain Accurate Patient Records**
5 years probation with a \$50,000 fine. Physician is precluded from private practice and may only practice in a facility licensed pursuant to Article 28 of the New York Public Health Law and is required to perform 100 hours of community service in a non-medical setting. The allegations include knowingly, and with intent to deceive, submitted, or caused to be submitted, bills for services that were not in fact rendered with respect to the patients. Also failed to maintain patient records.
- **Misbranding of a Drug Held for Resale After Shipment in Interstate Commerce**
2 years license suspension stayed with 3 years of probation and 300 hours of community service requirement. The allegations include representing to patients that they were being injected with a solution which was approved for human use.
- **Violation of Terms of Order issued by NYS OPMC**
License Suspension indefinite time until a modification order staying the suspension is issued by the New York State OPMC. The allegations include a violation of a New York Order requiring the doctor to remain drug and alcohol free.
- **Gross Negligence (more than one occasion), Fraudulent Practice, Filing False Report, Moral Unfitness, etc.**
License Surrender and \$30,000 Fine. The allegations include gross negligence, negligence on more than one occasion, fraudulent practice, filing a false report, ordering excessive tests and treatment, failure to maintain accurate patient records and moral unfitness.
- **Driving While Intoxicated**
Indefinite license suspension for at least 9 months and until a modification order staying the suspension is issued by the NYS OPMC. The allegations include the physician failed to comply with an order issued under New York State Public Health Law Section 230(7) and was convicted in the Village of New Hartford, Oneida County, of Driving While Intoxicated.

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- **Disciplined by the State of VA for Intentional and Negligent Conduct**

Agreed to never activate his registration or reapply for a license to practice medicine in New York State. The allegations include intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients, conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public and/or performing any act likely to deceive, defraud or harm the public.

- **Disciplined by State of Louisiana for Chemical Dependency & Abuse**

License Surrender. The allegations include being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects.

*Far too few
physicians are aware
of the overwhelming*

- **Negligence and Failure to Maintain Accurate Records**

License suspension for 60 months stayed with probation for 5 years. Physician shall practice medicine only when monitored by a licensed physician. The allegations include negligence on more than one occasion and failing to maintain accurate patient records.

weight that would

- **Immoral and Unprofessional Conduct, Maintaining a Romantic Relationship with a Patient**

Censure and Reprimand. The allegations include immoral and unprofessional conduct in the practice of medicine by maintaining a romantic relationship with patient.

befall them if

- **Gross Negligence Resulting in Harm to or the Death of a Patient, etc.**

License Revoked. The allegations include gross negligence, repeated negligence or negligence resulting in harm to or death of a patient and failing to maintain adequate patient records.

targeted by the

OPMC

- **Gross Negligence, Negligence on More Than One Occasion, Fraudulent Practice, Filing a False Report, etc.**

License Surrender with \$80,000 fine. The allegations include gross negligence, negligence on more than one occasion; fraudulent practice; filing a false report; ordering excessive tests and treatment; failure to maintain accurate patient records and moral unfitness.

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- **Disciplined by the FL State Board for Failing to Practice Medicine Within Level of Care and Treatment.**

Agreed to never activate his registration or reapply for a license to practice in the State of NY. The allegations include failing to practice medicine with that level of care, skill and treatment which is recognized as being acceptable.

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.
