



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

January 23, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Richard C. Fettes, M.D.
4308 E. 8th Avenue
Anchorage, Alaska 99508

RE: License No. 165974
Effective Date: 1/30/95

Dear Dr. Fettes:

Enclosed please find Order #BPMC 95-14 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,


C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Kevin Roe, Esq.
Barry Gold, Esq.
90 State Street
Albany, NY 12207

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

-----X

IN THE MATTER :
OF : ORDER
RICHARD CLARKE FETTES, M.D. : BPMC #95-14

-----X

Upon the application of RICHARD CLARKE FETTES, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions thereof are
hereby adopted, and it is further

ORDERED, that this order shall take effect as of the date of
the personal service of this order upon Respondent, upon receipt
by Respondent of this order via certified mail, or seven days
after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 30 January 1995

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
RICHARD CLARKE FETTES, M.D. : CONSENT
: ORDER
-----X

STATE OF ALASKA)
COUNTY OF) ss.:

RICHARD CLARKE FETTES, M.D., being duly sworn, deposes and says:

That on or about April 22, 1986 I was licensed to practice as a physician in the State of New York, having been issued License No. 165974 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

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

I admit guilt to the specification in full satisfaction of the charges against me.

I hereby agree to the penalty that my license be suspended

for one year with said suspension stayed to become a one year period of probation under the terms and conditions attached hereto, made part hereof, and marked as Exhibit B.

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 am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



RICHARD CLARKE FETTES, M.D.
RESPONDENT

Sworn to before me this
day of *Dec 20*, 1994.

Doreen Shank
NOTARY PUBLIC

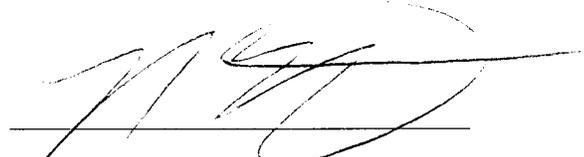
Doreen Shank, Notary Public
State of Alaska
My Commission Expires *6-3-97*

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

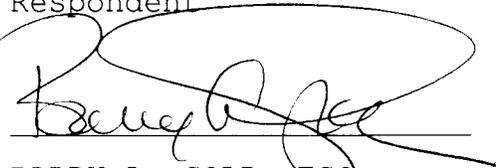
-----X
IN THE MATTER : APPLICATION
OF : FOR
RICHARD CLARKE FETTES, M.D. : CONSENT
: ORDER
-----X

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

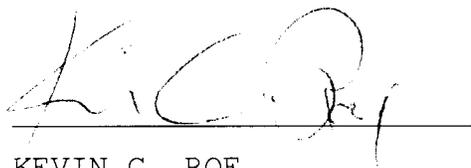
DATE: 12-20-94


RICHARD CLARKE FETTES, M.D.
Respondent

DATE: December 27, 1994


BARRY A. GOLD, ESQ.
Attorney for Respondent

DATE: 12/25/94


KEVIN C. ROE
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: Jan. 18, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 20 January 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
RICHARD CLARKE FETTES, M.D. : CHARGES

-----X

RICHARD CLARKE FETTES, M.D., the Respondent, was authorized to practice medicine in New York State on April 22, 1986, by the issuance of license number 165974 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about December 10, 1993, the Division of Occupational Licensing, Department of Commerce and Economic Development, State of Alaska, summarily suspended Respondent's license to practice medicine in the State of Alaska based on findings that he presented a clear and imminent danger to his patients and the public health and safety based on his mental impairment. On or about January 28, 1994 the Division of Occupational Licensing, Department of Commerce and Economic Development, State of Alaska issued an Order adopting a stipulation in which Respondent's admitted that he is afflicted with a medical condition, bipolar disorder, which if left untreated, is capable of manifesting itself in psychiatric

symptoms, continued the suspension of Respondent's license until March 1, 1994 and conditionally restored the license effective March 1, 1994 subject to various terms and conditions. The findings upon which the Alaska disciplinary actions were based would, if committed in New York State, constitute professional misconduct in violation of N.Y. Educ. Law §6530(8).

SPECIFICATION
DISCIPLINARY ACTION IN ANOTHER STATE

Respondent is charged with having a disciplinary action taken against him by a duly authorized disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in violation of New York Educ. Law §6530(9)(d), in that, Petitioner alleges the facts in Paragraph A.

DATED: *August 22,* 1994
Albany, New York


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

EXHIBIT "B"

TERMS OF PROBATION

1. RICHARD CLARKE FETTES, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York.
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation.
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation.
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
6. Respondent shall remain drug free.
7. Respondent's mental status shall be monitored by a health care professional. Said monitor shall supervise compliance with the probationary terms. The monitor shall acknowledge

his/her willingness to comply with the monitoring by executing an acknowledgement provided by the Office of Professional Medical Conduct.

- (a) The monitor shall be familiar with the history of mental disability and with these terms of probation. Said monitor shall not be Respondent's treating physician.
 - (b) The monitor shall see Respondent at least twice during a quarter.
 - (c) The monitor shall report to the Office any pattern of noncompliance with the terms of probation.
 - (d) The monitor shall not be a personal friend of Respondent.
 - (e) The monitor shall submit to the Office quarterly reports either certifying compliance, or detailing my failure to comply, with each of the terms of probation.
8. Respondent shall continue in treatment with a health care professional or a treatment program for as long as the health care professional or treatment program determines it is necessary.
- (a) The treating health care professional or program shall submit to the Office quarterly reports certifying that Respondent is complying with the treatment.
 - (b) The treating health care professional or program shall report to the Office immediately if Respondent drops out of treatment.
 - (c) The treating health care professional or program shall report to the Office any significant pattern of absences.
 - (d) The treating health care professional or program shall acknowledge his/her/its willingness to comply with the above-mentioned reporting by executing an acknowledgment provided by the Office of Professional Medical Conduct.
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.