



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 1, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Luc Claude David, M.D.
2 Ridge Road
West Rochester, New York 14615-3031

RE: License No. 113360

Dear Dr. David:

Enclosed please find Order #BPMC 99-68 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 1, 1999**.

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: Thomas G. Smith, Esq.
Harter, Secrest & Emery
700 Midtown Tower
Rochester, New York 14604-2070

William Lynch, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
LUC CLAUDE DAVID, M.D. : BPMC # 99-68

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LUC CLAUDE DAVID, M.D., says:

On or about August 1, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 113360 by the New York State Education Department. My address is 2 Ridge Road, West Rochester, New York 14615-3031.

I understand that I have been charged with three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I do not contest the specifications set forth in the Statement of Charges.

In consideration of the Board's acceptance of this Surrender Order, I agree that I shall not in the future, apply for, or seek the restoration of a license to practice medicine in New York, nor shall I seek to register a medical license in New York.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective on May 1, 1999 or upon issuance by the Board, whichever is later, and may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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



LUC CLAUDE DAVID, M.D.
Respondent

AGREED TO:

Date: March 12, 1999



THOMAS G. SMITH, ESQ.
Attorney for Respondent

Date: March 19, 1999



WILLIAM J. LYNCH
Senior Attorney
Bureau of Professional
Medical Conduct

Date: March 24, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of LUC CLAUDE DAVID, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective on May 1, 1999 or upon issuance by the Board, whichever is later, and may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 3/26/99


William P. Dillon, M.D.
Chair
State Board for 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 : STATEMENT
OF : OF
LUC CLAUDE DAVID, M.D. : CHARGES

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Luc Claude David, M.D., the Respondent, was authorized to practice medicine in New York State on August 1, 1972 by the issuance of license number 113360 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period March 1, 1998, through February 28, 2000, with a registration address of 2 Ridge Rd W, Rochester, NY, 14615-3031.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A [patients are identified in appendix] on approximately October 23, 1987 among other occasions. In treating Patient A, Respondent attempted to repair an episiotomy breakdown in the face of active infection.
- B. Respondent provided medical care to Patient B on approximately January 26, 1996, February 26, 1996 and April 5, 1996, among other occasions. Respondent used inappropriate speech in addressing Patient A and made physical contact without medical justification.

C. Respondent provided medical care to Patient C between approximately July 17, 1997 and January 19, 1998. Respondent failed to appropriately manage Patient A's gestational diabetes and failed to immediately perform a cesarean section when fetal monitoring indicated a compromised fetus.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing medicine with negligence on more than one occasion in violation of New York Education Law §6530(3), in that Petitioner charges that Respondent committed two or more of the following:

The facts in Paragraphs A and C.

SECOND SPECIFICATION

CONDUCT WHICH EVIDENCES MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(20) by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine in that Petitioner charges the facts in Paragraph B.

THIRD SPECIFICATION

WILLFUL PHYSICAL ABUSE OR VERBAL HARASSMENT OF A PATIENT

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(31) by reason of his willful physical abuse or verbal harassment in that Petitioner charges the facts in Paragraph B.

DATED: *March 22, 1999*
Albany, New York

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