



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

November 29, 1994

Frank H. Boehm, Jr., M.D.
Slocum-Dickson Medical Group
1729 Burrstone Road
New Hartford, New York 13413

RE: License No. 164756
Effective date: 12/05/94

Dear Dr. Boehm:

Enclosed please find Order #BPMC 94-234 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.

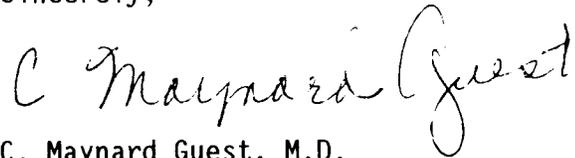
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

A handwritten signature in cursive script that reads "C. Maynard Guest".

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

Enclosure

cc: Hillary Richard, Esq.
Rabinowitz, Boudin, Standard, Krinsky
and Lieberman, P.C.
740 Broadway at Astor Place
New York, New York 10003-9518

Michael Hiser, Esq.

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

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IN THE MATTER :
OF : ORDER
FRANK H. BOEHM, JR., M.D. : BPMC #94-234

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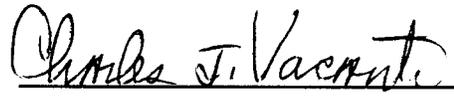
Upon the application of FRANK H. BOEHM, JR., M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions thereof are
hereby adopted and so ORDERED, 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: 22 November 1994



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

Factual Allegations A.3, A.4, B.6, and C.2) and to the Fourteenth, Fifteenth, and Sixteenth specifications.

I hereby agree to the penalty: (1) that my license to practice medicine in New York State shall be suspended for a period of twenty-four (24) months, with the final twenty-two (22) months of the suspension being stayed so long as I am compliant with the Terms and Conditions of Stay set out in Exhibit "B", annexed hereto; (2) that I pay a Ten Thousand Dollar fine (\$10,000.00); (3) that my practice of medicine shall be monitored for a period of 24 months, as set out in Exhibit "B", and concurrent with the Term and Conditions of Stay; and (4) that I otherwise comply with the Terms and Conditions of Stay set out in Exhibit "B".

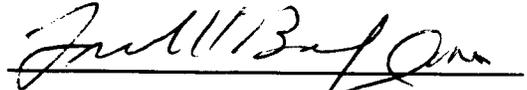
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.

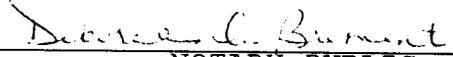
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



FRANK H. BOEHM, JR., M.D.
RESPONDENT

Sworn to before me this

14 day of November, 1994.


NOTARY PUBLIC

DEBORAH A. BREMENT
Notary Public, State of New York
Reg. No. 4970954
Appointed in Oneida County
My Commission Expires August 20, 1996

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

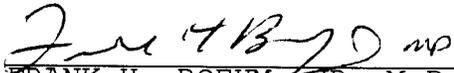
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IN THE MATTER : APPLICATION
OF : FOR
FRANK H. BOEHM, JR., M.D. : CONSENT
: ORDER

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

DATE: 11/14/94


FRANK H. BOEHM, JR., M.D.
Respondent

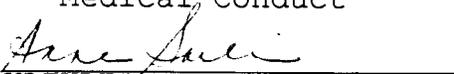
DATE: 11/15/94


HILLARY RICHARD, ESQ.
Attorney for Respondent

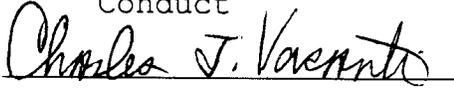
DATE: 11/16/94


MICHAEL A. HISER, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 11/17/94


KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 22 November 1994


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

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IN THE MATTER : STATEMENT
OF : OF
FRANK H. BOEHM, JR., M.D. : CHARGES

-----X

FRANK H. BOEHM, JR., M.D., the Respondent, was authorized to practice medicine in New York State on November 18, 1985, by the issuance of license number 164756 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 January 1, 1993 through December 31, 1994 from Slocum-Dickson Medical Group, 1729 Burrstone Road, New Hartford, New York 13413.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (patients are identified in the attached Appendix), a 34 year old female, from his office at Slocum-Dickson Medical Group, 1729 Burrstone Road, New Hartford, New York 13413 ("Office") from on or about August 1, 1991 through on or about July 1, 1993. Patient A was treated for pain, primarily attributable to Lyme disease. Patient A and Respondent were living together at all times

noted, and Patient A had access to Respondent's prescription pads for controlled substances.

1. Respondent, between approximately August 1, 1991 and July 6, 1993, prescribed controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin to Patient A, despite Respondent's knowledge that Patient A was addicted to one or all of such medications.
2. Respondent, between approximately August 1, 1991 and July 6, 1993, prescribed controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin, to Patient A in excessive amounts.
- A (3.) Respondent, between approximately August 1, 1991 through April 15, 1992, prescribed controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin, for a person described hereafter as Patient B. Respondent gave these prescriptions to Patient A to be filled, despite Respondent's knowledge that Patient A was addicted to one or all of such medications.
- A (4.) Despite writing approximately 35 prescriptions for controlled substances to Patient A between approximately August 1, 1991 and July 6, 1993, Respondent failed to maintain any record of his evaluation and treatment of Patient A.
5. Respondent allowed Patient A access to his office and prescription pads such that Patient A was able to forge Respondent's name to write one or more prescriptions for controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin, in the name of Patient A.

B. Respondent wrote prescriptions for controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin to a person known as Patient B, an approximately 35 year old female, from approximately August 1, 1991 through approximately April 15, 1992. Patient B is Patient A's sister.

1. Respondent never treated Patient B from his Utica, New York address despite prescribing approximately 21 controlled substances in the name of Patient B.
2. Respondent prescribed controlled substances on approximately 21 occasions in the name of Patient B, but gave the prescriptions to Patient A a person known to him to be addicted one or all of such medications, to be filled.
3. Respondent, on or about July 21, 1993, falsely told Department of Health representatives that he had treated Patient B at his home in Waterville, New York, and had occasionally written controlled substances prescriptions for her.
4. Respondent, on or about July 28, 1993, falsely told Department of Health representatives that he had examined Patient B on several occasions at his home in Waterville, New York, and that he provided medication to her at her request.
5. Respondent, on or about September 17, 1993, falsely told Department of Health representatives that he had personally given Patient B prescriptions for controlled substances on more than one occasion.
6. Respondent, despite prescribing controlled substances to Patient B on approximately 21 occasions, failed to maintain any record of his evaluation and treatment of Patient B between August 1, 1991 and April 15, 1992.
7. Respondent allowed Patient A access to his office and prescription pads such that Patient A was able to forge Respondent's name to write one or more prescriptions for controlled substances, including Halcion, Percocet, Injectable Demerol, and MS Contin, in the name of Patient B.

C. Respondent provided medical care in the form of prescriptions for controlled substances, including Halcion, Percocet, Injectable Demerol, morphine sulphate, oxycodone, and meperidine to Patient C, an approximately 70 year old female,

between approximately March 1, 1992 and March 1, 1993. Patient C is Respondent's mother.

1. Respondent prescribed controlled substances on approximately 13 occasions between March 1992 and March 1993 in the name of Patient C, but gave the prescriptions to Patient A, a person known by him to be addicted to one or all of such medications, to be filled.
- A 2. Respondent, despite prescribing controlled substances to Patient C on approximately 13 occasions between March 1992 and March 1993, failed to maintain any record of his evaluation and treatment of Patient C.
3. Respondent allowed Patient A access to his office and prescription pads such that Patient A was able to forge Respondent's name to write one or more prescriptions for controlled substances in the name of Patient C.

SPECIFICATIONS OF MISCONDUCT

FIRST AND SECOND SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law §6530(2) (McKinney Supp. 1993) in that Petitioner charges:

1. The facts in Paragraphs B and B.1, B and B.2, B and B.3, B and B.4, and/or B and B.5.
2. The facts in Paragraphs C and C.1.

THIRD THROUGH FIFTH SPECIFICATIONSGROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence on a particular occasion under N.Y. Educ. Law §6530(4) (McKinney Supp. 1993) in that Petitioner charges:

3. The facts in Paragraphs A and A.1, A and A.2, and/or A and A.3.
4. The facts in Paragraphs B and B.1, B and B.2, and/or B and B.7.
5. The facts in Paragraphs C and C.1.

SIXTH THROUGH EIGHTH SPECIFICATIONSGROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence on a particular occasion under N.Y. Educ. Law §6530(6) (McKinney Supp. 1993) in that Petitioner charges:

6. The facts in Paragraphs A and A.1, A and A.2, and/or A and A.3.
7. The facts in Paragraphs B and B.2.
8. The facts in Paragraphs C and C.1 and/or C and C.3.

NINTH SPECIFICATION ✓NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion under N.Y. Educ. Law §6530(3) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed two or more of the following:

9. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, B and B.1, B and B.2, B and B.6, B and B.7, C and C.1, C and C.2, and/or C and C.3.

TENTH SPECIFICATION ✓INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion under N.Y. Educ. Law §6530(5) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed two or more of the following:

10. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.9, B and B.1, B and B.2, B and B.6, B and B.7, C and C.1, C and C.2, and/or C and C.3.

ELEVENTH THROUGH THIRTEENTH SPECIFICATIONSMORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine, under N.Y. Educ. Law §5530(20) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed one of the following:

11. The facts in Paragraphs A and A.3.
12. The facts in Paragraphs B and B.1, B and B.2, B and B.3, B and B.4, and/or B and B.5.
13. The facts in Paragraphs C and C.1.

FOURTEENTH THROUGH SIXTEENTH SPECIFICATIONSFAILING TO MAINTAIN RECORDS

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, under N.Y. Educ. Law §6530(32) (McKinney Supp. 1993), in that Petitioner charges:

14. The facts in Paragraphs A and A.4.
15. The facts in Paragraphs B and B.6.
16. The facts in Paragraphs C and C.2.

DATED: Albany, New York
November 16, 1994



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

EXHIBIT "B"

TERMS AND CONDITIONS OF STAY

1. FRANK H. BOEHM, JR., M.D., during the period of stayed license suspension, 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. These Terms and Conditions shall be in effect for a period of two (2) years, beginning 7 days after the date of the Order in this matter.
3. 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.
4. 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 license suspension.
5. 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 license suspension.
6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board. It is expressly agreed by Respondent that any failure of Respondent to comply with any

term, condition, restriction, and/or penalty to which he is subject pursuant to the order of the Board, including the Terms and Conditions of Stay set forth herein, shall be subject to the violations procedure set forth in New York Public Health Law Section 230(19) (McKinney Supp. 1994).

7. For a period of 60 days after the effective date of the Order in this matter, Respondent shall be actually suspended from the practice of medicine. Respondent shall thereafter be free to resume the practice of medicine so long as he complies with the terms and conditions of stay and monitoring terms hereunder. Respondent shall inform the Director in writing at the address shown above of the day he begins to practice after his two month actual suspension hereunder ends.
8. For a period of 22 months after the Respondent resumes the practice of medicine following his actual suspension, Respondent will be monitored in his practice of medicine by a physician Board certified in neurosurgery, who shall be familiar with this Order. The monitor may be chosen by the Respondent, subject to the approval of the Director. Respondent shall not resume the actual practice of medicine until a monitor shall have been approved by the Director.
 - a. The monitor shall review Respondent's records of treatment of at least twenty (20) patients every three (3) months. The records shall be randomly selected by the monitor or by a representative of the Director. The monitor shall have access to the entire treatment record of the patient in the possession of Respondent, as requested by the monitor.
 - b. The monitor shall determine whether Respondent's treatment of the patients has been in accordance with generally accepted standards of medical practice. The monitor shall specifically determine whether Respondent's prescription of controlled substances to the patients has been in accordance with generally accepted standards of medical practice.
 - c. At least once every three (3) months, the monitor shall report in writing to the Director on the status of the monitor's review of the Respondent's practice of medicine. The monitor shall advise the Director whether Respondent is practicing medicine in accordance with accepted standards of practice. To the extent that the monitor concludes that the Respondent has in any way not practiced in accordance with accepted standards of medicine, this shall be detailed in the monitor's report.
 - d. The monitor's first report will be due 3 months after Respondent begins to practice after the 2 month period

of actual suspension. The subsequent reports will be due as follows (as measured from the day Respondent begins to practice after his two month actual suspension ends):

6 months later
9 months later
12 months later
15 months later
18 months later
22 months later

The monitor's report that is due 22 months after Respondent begins practice after the actual suspension shall be the final report.

9. Respondent agrees that the costs of complying with all terms of monitoring will be his responsibility. He understands that any failure to comply with the terms and conditions of stay, or other limitation herein, may result in disciplinary action being brought against him charging professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Educ. Law section 6530(29) (McKinney Supp. 1994). That section defines professional misconduct to include "(V) VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION imposed on the licensee pursuant to section two hundred thirty of the public health law." (Emphasis added.)
10. Pursuant to Public Health Law section 230(18)(b), during the term of monitoring, Respondent shall be required to maintain medical malpractice insurance coverage with limits no less than \$2 million dollars per occurrence and \$6 million dollars per policy year.
11. Within one year of the date of the Order in this matter, Respondent will enroll in and successfully complete the course of study in the proper and safe method to prescribe controlled substances known as the Controlled Dangerous Substances Program sponsored by the Robert Wood Johnson Medical School, University of Medicine and Dentistry of New Jersey. The program shall be for a minimum of one week, and must be approved in advance by the Director.
12. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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).

13. 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 and conditions of stay; 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 proceeding in accordance with Public Health Law Section 230(19) and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.