



**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

December 9, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Vera Birch, M.D.  
4241 Lakeville Road  
Geneseo, New York 14454

RE: License No. 123088

Dear Dr. Birch:

Effective date: 12/16/94

Enclosed please find Order #BPMC 94-259 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

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

-----X

IN THE MATTER :  
OF : ORDER  
VERA BIRCH, M.D. : BPMC #94-259

-----X

Upon the Application of VERA BIRCH, M.D. to Surrender her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application 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 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 5 December 1994

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 TO  
OF : SURRENDER  
VERA BIRCH, M.D. : LICENSE  
-----X

STATE OF NEW YORK )

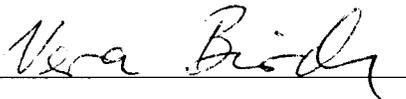
ss.:

COUNTY OF MONROE )

VERA BIRCH, M.D. , being duly sworn, deposes and says:

1. On or about March 7, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 123088 by the New York State Education Department.
2. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.
3. I understand that I have been charged with nineteen Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".
4. I hereby agree not to contest the Nineteenth Specification which alleges my failure to maintain a record which accurately reflects the evaluation and treatment of the patient in violation of N.Y. Education Law §6530(32) in full satisfaction of the charges against me.

5. I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.
  
6. I understand that, in the event that the application 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 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 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.
  
7. I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.
  
8. I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
VERA BIRCH, M.D.  
Respondent

Sworn to before me this  
17th day of Nov, 1994  
  
NOTARY PUBLIC  
MARY F. STRICKLAND  
Notary Public, State of New York  
Livingston County  
My Commission Expires 10/21/95

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
VERA BIRCH, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 11/11, 1994 Vera Birch  
VERA BIRCH, M.D.  
Respondent

Mary F. Strickland  
Date: 11/21/94, 1994 MARY F. STRICKLAND  
Notary Public, State of New York  
Livingston County  
My Commission Expires 10/2/95 E. H. Fox  
EDWARD H. FOX  
Attorney for Respondent

Date: 11/29/94, 1994 Catherine Cholakis  
CATHERINE CHOLAKIS  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: Dec 1, 1994 Kathleen M. Tanner  
KATHLEEN M. TANNER  
Director, Office of  
Professional Medical Conduct

Date: 5 Dec, 1994 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 : STATEMENT  
OF : OF  
VERA BIRCH, M.D. : CHARGES

-----X

Vera Birch, M.D., the Respondent, was authorized to practice medicine in New York State on March 7, 1975, by the issuance of license number 123088 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent, during a period beginning on or about February 9, 1987 and continuing through approximately March 22, 1994 treated Patient A (all patients are identified in the Appendix) in her office at 4241 Lakeville Road, Geneseo, New York (hereinafter her office), for complaints of sinusitis, headaches and general musculo-skeletal discomfort. Respondent's care and treatment of Patient A failed to meet acceptable standard of care, in that:
1. Respondent failed to perform and/or record an adequate physical examination.
  2. Respondent, repeatedly and/or inappropriately, prescribed controlled substances for Patient A including Darvocet N, Tylenol #3 and QID, without referring Patient A for counseling and/or to a pain specialist and/or other appropriate specialists.
- B. Respondent, during a period beginning on or about October

29, 1990 and continuing through approximately March 22, 1994, treated Patient B on numerous occasions at her office for various musculo-skeletal complaints. Respondent's care and treatment of Patient B failed to meet acceptable standards of care, in that:

1. Respondent failed to perform and/or record an adequate physical examination.
2. Respondent, repeatedly and/or inappropriately, prescribed controlled substances for Patient B including Anexsia, Xanax, Tylenol 3, Feldene and Darvocet N. During a two week period of time starting December 27, 1991, Respondent prescribed at least 260 tablets and/or capsules of Anexsia. During a twenty-three day period ending on January 21, 1993, Respondent prescribed at least 400 tablets and/or capsules of Anexsia. This was done in spite of Respondent's own case note in which Respondent called Patient B a probable "drug addict and dealer".

C. Respondent, during a period beginning on or about August 16, 1991 and continuing through approximately August 3, 1993, treated Patient C for various musculo-skeletal complaints. Respondent's care and treatment of Patient C failed to meet acceptable standards of care in that Respondent repeatedly and/or inappropriately, prescribed controlled substances for Patient C. For approximately a two year period of time Respondent prescribed Valium 120 to 200 tablets at a time, in doses up to 80mg a day.

D. Respondent, during a period beginning on or about August 24, 1987 through approximately March 22, 1994 treated Patient D on various occasions in her office. Respondent's care and treatment of Patient D failed to meet an acceptable standard of care in that:

1. Respondent, repeatedly and/or inappropriately, prescribed controlled substances for Patient D including Vicodin, Tylenol #3 Lortab, Phenobarbital and Valium.
  2. On at least one occasion, Respondent prescribed for Patient D Tylenol #3, Valium 10 mg and Phenobarbital, following Respondent's own note indicating Patient D was taking five or six drinks a day.
  3. On at least one occasion, following an apparent overdose by Patient D and Respondent's note that Patient D smelled of alcohol, Respondent prescribed Valium for Patient D.
- E. Respondent, during a period starting approximately October 4, 19 through approximately March 22, 1994, treated Patient E on numerous occasions in her office. Respondent's treatment and care of Patient E failed to meet an acceptable standard of care in that:
1. Respondent, repeatedly and/or inappropriately, prescribed controlled substances for Patient E including Valium and Tussionex.
  2. On at least one occasion, Respondent prescribed for Patient E 360 Valium 10 mg. This prescription is beyond amount allowed by New York State Regulations.
- F. Respondent, during a period starting on or about February 7, 1992 through approximately March 22, 1994, treated Patient F on numerous occasions in her office. Respondent's treatment and care of Patient F failed to meet an acceptable standard of care in that:
1. Respondent failed to perform and/or record an adequate physical examination.
  2. Respondent, throughout her treatment of Patient F, repeatedly and inappropriately prescribed controlled substances for Patient F including Anexsia, Feldene, Tylenol #3 and Percocet without referring Patient F for counseling and/or to a pain specialist and/or to other appropriate specialist.

3. Respondent failed to order appropriate diagnostic studies for Patient F.
  4. Respondent failed to refer Patient F for appropriate alternative treatment and/or evaluations such as physical therapy.
- G. Respondent, during a period beginning on or about October 1992 and continuing through approximately October 1993, treated Patient G on various occasions in her office. Respondent's treatment and care of Patient G failed to meet an acceptable standard of care in that:
1. Respondent failed to elicit and/or record an adequate history.
  2. Respondent, repeatedly and inappropriately, prescribed Valium for Patient G, in spite of Patient G's admission to being a cocaine addict.
  3. In August 1993, Patient G was taken to the Emergency Room after a 911 call from Patient G's family saying Patient G was "taking Valium by the handfuls and acting crazy". Afterwards, Respondent once again prescribed Valium to Patient G as a "security blanket".
- H. Respondent, during a period starting on or about April 4, 1991, treated Patient H on various occasions in her office. Respondent's treatment of Patient H failed to meet acceptable standards of care in that:
1. Respondent, repeatedly and inappropriately, prescribed Valium for Patient H without referring Patient H for counseling and/or to a pain specialist and/or to other appropriate specialists.
  2. Respondent continued to prescribe 10 mg. Valium #180/month despite evidence that Patient H had an alcohol addiction.
  3. Respondent continued to prescribe 10 mg. Valium #180/month, despite Patient H's indication that he was working hard to stay off of Valium.
  4. Respondent failed to refer Patient H for appropriate alternative treatment and/or

evaluations such as a pain specialist,  
psychological evaluation and/or drug/alcohol  
rehab.

**SPECIFICATIONS OF CHARGES**

**FIRST THROUGH EIGHTH SPECIFICATIONS**

**GROSS NEGLIGENCE**

Respondent is charged with gross negligence in violation of  
N.Y. Educ. Law §6530(4) (McKinney Supp. 1994) in that the  
Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2.
2. The facts in paragraphs B and B.1 and/or B.2.
3. The facts in paragraph C.
4. The facts in paragraphs D and D.1, D.2 and/or D.3.
5. The facts in paragraphs E and E.1 and/or E.2.
6. The facts in paragraphs F and F.1, F.2, F.3 and/or  
F.4.
7. The facts in paragraphs G and G.1, G.2 and/or G.3.
8. The facts in paragraphs H and H.1, H.2, H.3 and/or  
H.4.

**NINTH THROUGH SIXTEENTH SPECIFICATIONS**

**GROSS INCOMPETENCE**

Respondent is charged with gross incompetence in violation  
of N.Y. Educ. Law §6530(6) (McKinney Supp. 1994) in that,  
Petitioner charges:

9. The facts in paragraphs A and A.1 and/or A.2.
10. The facts in paragraphs B and B.1 and/or B.2.
11. The facts in paragraph C.
12. The facts in paragraphs D and D.1, D.2 and/or D.3.

13. The facts in paragraphs E and E.1 and/or E.2.
14. The facts in paragraphs F and F.1, F.2, F.3 and/or F.4.
15. The facts in paragraphs G and G.1, G.2 and/or G.3.
16. The facts in paragraphs H and H.1, H.2, H.3 and/or H.4.

**SEVENTEENTH SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

17. The facts in paragraphs A and A.1, A.2; B and B.1, B.2; C; D and D.1, D.2, D.3; E and E.1, E.2; F and F.1, F.2, F.3, F.4; G and G.1, G.2, G.3; and/or H and H.1, H.2, H.3, H.4.

**EIGHTEENTH SPECIFICATION**

**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1994) in that, Petitioner charges two or more of the following:

18. The facts in paragraphs A and A.1, A.2; B and B.1, B.2; C; D and D.1, D.2, D.3; E and E.1, E.2; F and F.1, F.2, F.3, F.4; G and G.1, G.2, G.3; and/or H and H.1, H.2, H.3, H.4.

**NINETEENTH SPECIFICATION**

**FAILING TO MAINTAIN RECORDS**

Respondent is charged with failing to maintain a record

which accurately reflects the evaluation and treatment of the patient in violation of N.Y. Educ. Law §6530(32) (McKinney Supp. 1994) in that, Petitioner charges:

1. The facts in paragraphs A and A.1, B and B.1, F and F.1, G and G.1.

DATED:                   , 1994  
Albany, New York

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