



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

December 23, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Eric Goodwin, M.D.
229 Main Street
Hamburg, New York 14075

RE: License No. 160322

Dear Dr. Goodwin:

Enclosed please find Order #BPMC 96-297 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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Joseph V. McCarthy, Esq.
Roach, Brown, McCarthy, Gruber & Chiari, PC
1620 Liberty Building
420 Main Street
Buffalo, NY 14202-3678

Kevin C. Roe, Esq.

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

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IN THE MATTER :
OF : ORDER
ERIC HENRY GOODWIN, M.D. : BPMC #96-297

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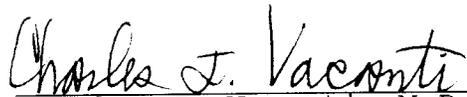
Upon the application of ERIC HENRY GOODWIN, M.D., the Respondent, for a consent order, which application is made a part hereof, it is

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: 11 December 1996



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
ERIC HENRY GOODWIN, M.D. : CONSENT
-----X ORDER

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

ERIC HENRY GOODWIN, M.D., being duly sworn, deposes and says:

I was licensed to practice as a physician in the State of New York, having been issued License No. 160322 by the New York State Education Department.

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

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

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

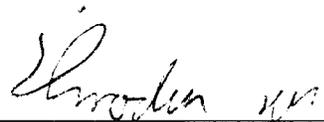
I hereby agree to the penalty that my license be suspended, for three years, with the suspension stayed to become a period of probation under terms and conditions set forth in Exhibit B attached hereto and made part hereof.

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.



ERIC HENRY GOODWIN, M.D.
RESPONDENT

Sworn to before me this

12 day of SEPTEMBER, 1996.

Kathleen M. McKenzie-Goodwin
NOTARY PUBLIC

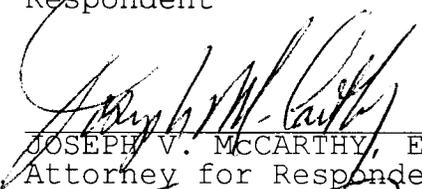
KATHLEEN M. MCKENZIE-GOODWIN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires 11/24, 1996

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

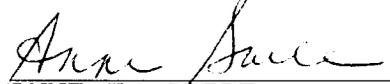
-----X
IN THE MATTER : APPLICATION
OF : FOR
ERIC HENRY GOODWIN, M.D. : CONSENT
-----X ORDER

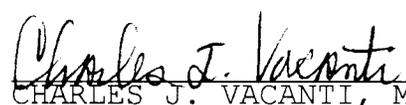
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/11/96 
ERIC HENRY GOODWIN, M.D.
Respondent

DATE: 9-14/96 
JOSEPH V. MCCARTHY, ESQ.
Attorney for Respondent

DATE: 12/6/96 
KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 12/6/96 
ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 11 December 1996 
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

TERMS OF PROBATION

EXHIBIT B

1. Respondent shall meet personally with a member of the Office of Professional Medical Conduct staff on a quarterly basis at the discretion of the Director of the Office or a designee.
2. Respondent shall conform fully:
 - a. to the professional standards of conduct imposed by law and by his profession
 - b. with all civil and criminal laws, rules and regulations.
3. Respondent shall notify the Office of Professional Medical Conduct of:
 - a. any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action;
 - b. any and all changes in personal and professional addresses and telephone numbers and facility affiliations, within 30 days of such changes. This will including any change in practice location, within or outside of the State of New York. The date of departure from the State of New York, and the date of return, if any, must be reported in writing.

Failure to notify the Office of Professional Medical Conduct of any of the above will be a violation of probation.
4. Respondent shall maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. Respondent shall enroll in, diligently pursue and successfully complete the course in Controlled Substance Management at the Case Western Reserve University School of Medicine, Cleveland, Ohio within the first 90 days of the period of probation.

6. Respondent's practice of medicine shall be monitored by a physician, board certified in family or internal medicine, selected by Respondent and approved in advance, in writing, by the Director of the Office of Professional Medical Conduct or a designee. Respondent shall not practice medicine until an approved practice monitor and monitoring program is in place. Any practice of medicine prior to the approval of a proposed practice monitor shall be a violation of probation.
 - a. The practice monitor shall report in writing to the Director of the Office of Professional Medical Conduct or a designee, on a quarterly basis. The practice monitor shall visit Respondent's medical practice at each and every location, on a random basis, at least monthly and shall examine a random selection of records maintained by Respondent, including patient histories, prescribing information and billing records. Respondent will make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The review will determine whether the Respondent's medical practice is conducted in accordance with generally accepted standards of medical care. Any perceived deviation from accepted standards of medical care or failure to cooperate with the monitor shall be immediately reported to the Office of Professional Medical Conduct by the monitor.
 - b. Any change in practice monitor must be approved in writing, in advance, by the Office of Professional Medical Conduct.
 - c. All expenses associated with monitoring, including fees to the monitoring physician, shall be the sole responsibility of the Respondent.
 - d. It is the responsibility of the Respondent to ensure that the reports of the practice monitor are submitted in a timely manner. A failure of the practice monitor to submit required reports on a timely basis shall be a violation of the terms of probation.
 - e. Respondent must maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director or designee prior to approval of a practice monitor.
7. Respondent shall assume and bear all costs related to compliance with the terms of probation.

8. If the Respondent does not practice medicine in the State of New York, the probation period shall be tolled and the period extended by the length of time Respondent practices outside of New York. Any terms of probation which were not fulfilled while Respondent was in New York State, must be fulfilled upon return to New York State.

9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his profession in accordance with the terms of probation. Upon receipt of evidence of non-compliance 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 any such other proceeding against Respondent as may be authorized by law.

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ERIC HENRY GOODWIN, M.D. : CHARGES

-----X

ERIC HENRY GOODWIN, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1984, by the issuance of license number 160322 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (Patients are identified in the attached appendix) from on or about 1983 to on or about June 13, 1990, at his office, 229 Main Street, Hamburg, New York. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform and/or record adequate physical examinations.
2. Respondent failed to obtain and/or record adequate histories.
3. Respondent prescribed steroids on numerous occasions without adequate medical justification.

B. Respondent treated Patient B from on or about 1984 to on or about 1995 at his office. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to adequately evaluate and/or treat Patient B's elevated blood sugar.
2. Respondent prescribed Valium on numerous occasions without adequate medical justification.

C. Respondent treated Patient C from on or about October 1986 to on or about May 31, 1995, at his office. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent prescribed Ritalin on numerous occasions without adequate medical justification.

D. Respondent treated Patient D from on or about 1988 to on or about 1995 at his office. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform and/or record adequate physical examinations.
2. Respondent failed to obtain and/or record adequate histories.
3. Respondent prescribed Tylenol #4 on numerous occasions without adequate medical justification.

E. Respondent treated Patient E from on or about 1990 to on or about 1995 at his office. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent prescribed Tylenol #3, Lorcet, Lortabs, hydrocodone and/or Valium on numerous occasions without adequate medical justification.

SPECIFICATIONS OF MISCONDUCT

FIRST 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. 1996) in that, Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A.1, A.2, A.3,; B and B.1, B.2; C and C.1; D and D.1, D.,2, D.3, and/or E and E.1.

SECOND 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. 1996) in that, Petitioner charges two or more of the following:

2. The facts in Paragraphs A and A.1, A.2, A.3,; B and B.1, B.2; C and C.1; D and D.1, D.,2, D.3, and/or E and E.1.

DATED: _____, 1996
Albany, New York

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