



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 31, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Baird, M.D.
RR #1, Box 165A
Towanda, PA 16848

RE: License No. 183231
Effective Date: 1/7/94

Dear Dr. Baird:

Enclosed please find Order #BPMC 93-212 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

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

Enclosure

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

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IN THE MATTER :
OF : ORDER
DAVID B. BAIRD, M.D. : BPMC 93-212

-----X

Upon the Application of DAVID B. BAIRD, M.D.
(Respondent) to Surrender his or 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

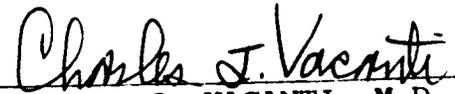
ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; 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 via certified mail, whichever is
earliest.

SO ORDERED,

DATED: 28 December 1993


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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the second specification contained in the attached Statement of Charges (Ex. A).

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

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.

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.

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



DAVID B. BAIRD, M.D.
Respondent

Sworn to before me this
29th day of November, 1993


NOTARY PUBLIC

NOTARIAL SEAL
RUTH L. GUTLEBER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 22, 1997

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

IN THE MATTER

OF

DAVID B. BAIRD, M.D.

: APPLICATION TO

: SURRENDER

: LICENSE
:

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

Date: Dec. 8, 1993



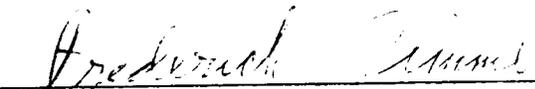
DAVID B. BAIRD, M.D.
Respondent

Date: Dec. 9, 1993



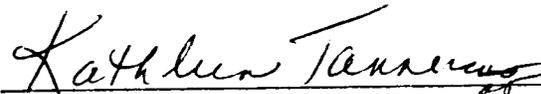
ALAN M. LIEBERMAN
Attorney for Respondent

Date: Dec. 10, 1993



FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Dec. 30, 1993



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 28 December 1993

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
DAVID B. BAIRD, M.D., : CHARGES
Respondent :
-----X

DAVID B. BAIRD, M.D., the Respondent, was authorized to practice medicine in New York State on July 26, 1990 by the issuance of license number 183231 by the New York State Education Department. The Respondent was last registered with the New York State Education Department to practice medicine in New York State during the registration period which ended on December 31, 1992 with a last registration address of 76773 Chrysanthemum Way, Palm Desert, California 92260.

FACTUAL ALLEGATIONS

A. The State Board of Medical Examiners of the Division of Consumer Affairs of the Department of Law & Public Safety of the State of New Jersey (hereinafter "the New Jersey Board"), by a Final Order dated July 9, 1992, found Respondent guilty of engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense,

in violation of N.J.S.A. 45:1-21(b); engaging in professional misconduct, in violation of N.J.S.A. 45:1-21(e), and of being incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, in violation of N.J.S.A. 45:1-21(i). The New Jersey Board revoked Respondent's licence.

B. The New Jersey Board found in support of the above findings, that Respondent had committed among other things, the following conduct;

1. On January 11, 1989, Respondent operated on patient J.B. who had breast cancer, to remove lymph nodes and breast tissue. During her one week stay in the hospital following that operation, Respondent began making sexual advances to J.B., including kissing her, rubbing her leg and telling her that he would like to make love to her. On January 17, 1989, the day J.B. was to leave the hospital, Respondent kissed J.B.'s breasts and asked her to touch his penis.

2. On January 23, 1989, Respondent began having sexual intercourse with J.B. and continued having sexual relations with J.B. for approximately four months.

3. On four occasions, Respondent had intercourse with J.B. in his office and billed J.B.'s insurance company for those visits.

4. After J.B. ended the relationship, Respondent continued to call J.B. at home and at her job, including one call when he offered to pay for breast reconstruction surgery.

5. On several occasions, Respondent telephoned J.B. and asked her to write exculpatory letters to the New Jersey Board and to Shore Memorial Hospital, Shore Road and New York Avenue, Somers Point, New Jersey, stating either that he had given J.B. emotional support or that the relationship had been strictly professional.

6. Beginning in 1982 and continuing through December 1988, Respondent repeatedly made sexual advances and sexual comments to, and otherwise sexually harassed female employees at Shore Memorial Hospital. Notwithstanding a warning at a July 5, 1989 hospital meeting that further reports of similar behavior would result in formal investigation, disciplinary action and a report to the New Jersey Board, Respondent continued to engage in sexually inappropriate behavior with the result that within a month of said hospital meeting, a hospital employee complained that Respondent was inappropriately touching her, making inappropriate comments of a sexual nature and repeated advances.

7. On November 2, 1989, Respondent made terroristic threats to another physician with whom he had an argument.

C. The conduct upon which the New Jersey Board found Respondent guilty would, if committed in New York State,

constitute professional misconduct under the following provisions of New York State Law:

1. N.Y. Educ. Law §6530(2) (McKinney Supp. 1993) [practicing the profession fraudulently] as to Factual Allegations B.3 and/or B.5; and/or

2. N.Y. Educ. Law §6530(20) (McKinney Supp. 1993) [conduct in the practice of medicine which evidences moral unfitness to practice medicine] as to Factual Allegations B.1, B.2, B.3, B.4, B.5, B.6 and/or B.7; and/or

3. N.Y. Educ. Law §6530(30) [willfully verbally harassing, abusing or intimidating a patient] as to Factual Allegations B.4 and/or B.5.

D. Respondent, submitted an Application for License and First Registration dated June 16, 1990, to the New York State Education Department in which Respondent knowingly and intentionally made the following representations:

1. In response to question 13 of the application "Are charges pending against you for professional misconduct, unprofessional conduct, incompetence or negligence in any state or country?", Respondent marked "No." In fact, a complaint against Respondent had been filed by the New Jersey Board on January 29, 1990. Respondent was, in fact, aware at the time he filed the New York State application, that the New Jersey charges had been filed.

2. Respondent, in response to question 14 of the application, "Has any hospital or licensed facility restricted or terminated your professional training, employment or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?" marked "No." Respondent had in fact been served with a summary suspension notification letter on November 4, 1989, informing him of suspension of his clinical privileges to practice at Shore Memorial Hospital. Respondent knew at the time he answered "No" to question 14 that he had been summarily suspended by the hospital.

3. Respondent, in response to question No. 17 on the application which inquired as to which states he was licensed in, omitted the fact that he was licensed to practice in the State of New Jersey. Respondent knew this to be untrue.

4. Respondent, by virtue of his having filed an application for licensure to practice medicine in New York State and by virtue of the answers given on said application, obtained a license to practice medicine in New York State on July 26, 1990.

FIRST SPECIFICATION

OBTAINING THE LICENSE FRAUDULENTLY

Respondent is charged with professional misconduct under NY Educ. Law §6530(1) (McKinney Supp. 1993) by reason of his

having obtained his license fraudulently, in that the Petitioner charges:

1. The facts in Paragraphs D and D.1 and/or D and D.2 and/or D and D.3, and D.4.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of his having been found guilty of professional misconduct by the duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would if committed in New York State constitute professional misconduct under the laws of New York State, in violation of N.Y. Educ. Law §6530(9)(b) (McKinney Supp 1993), in that the Petitioner charges:

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

THIRD SPECIFICATION

Respondent is charged with having committed professional misconduct by reason of his having had his license revoked after a disciplinary action was instituted by the duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation involving the license would,

if committed in New York State, constitute professional misconduct under the laws of New York State, in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1993) in that the Petitioner charges:

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

DATED: Albany, New York
December 16, 1993

Peter D. Van Buren

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