



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

December 2, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Frank Fera, M.D.
410 19th Street
Watervliet, New York 12189

RE: License No. 199073

Dear Dr. Fera:

EFFECTIVE DATE DECEMBER 9, 1996

Enclosed please find Order #BPMC 96-286 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,

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

Enclosure

cc: Barry A. Gold, Esq.
Thuillez, Ford, Gold & Conolly, LLP
90 State Street
Albany, New York 12207

Kevin Roe, Esq.

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

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IN THE MATTER :
OF : ORDER
FRANK FERA, M.D. : BPMC #96-286

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Upon the application of Frank Fera, M.D. for 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
personal service upon Respondent, upon receipt by Respondent of
this order by certified mail, or seven days after mailing of this
order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 29 November 1996

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
OF : FOR
FRANK FERA, M.D. : CONSENT
: ORDER
-----X

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

FRANK FERA, M.D., being duly sworn, deposes and says:

I was licensed to practice as a physician in the State of New York on April 27, 1995, having been issued License No. 199073 by the New York State Education Department.

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

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

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

I hereby agree to the penalty that my license to practice medicine be suspended for a period of two years with said suspension stayed, and that I be placed on two years probation under the terms and conditions attached hereto, made part hereof and marked as 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 FERA, M.D.
RESPONDENT

Sworn to before me this

31 day of October, 1996.



NOTARY PUBLIC

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

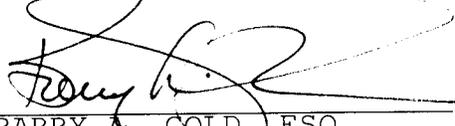
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IN THE MATTER : APPLICATION
OF : FOR
FRANK FERA, M.D. : CONSENT
: ORDER
-----X

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

DATE: 10/31/96


FRANK FERA, M.D.
Respondent

DATE: 31 October 1996


BARRY A. GOLD, ESQ.
Attorney for Respondent

DATE: 11/20/96


KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 11/23/96


ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: 29 November 1996

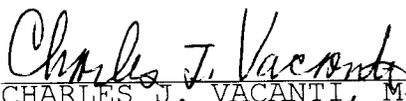

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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
FRANK FERA, M.D. : CHARGES

-----X

FRANK FERA, M.D., the Respondent, was authorized to practice medicine in New York State on April 27, 1995 by the issuance of license number 199073 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. Respondent provided medical care to Patient A (identified in the attached appendix) at the Albany Medical Center Hospital Clinic for chronic fatigue syndrome from on or about October 30, 1995, to on or about February 26, 1996.

2. From on or about January of 1996 to on or about March 4, 1996, Respondent engaged in a personal relationship with Patient A, including one act of consensual sexual intercourse, while continuing to provide medical care to Patient A.

EXHIBIT B

TERMS OF PROBATION

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, 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 controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. 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 reported immediately 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. 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.
6. Respondent shall assume and bear all costs related to compliance with the terms of probation.

7. 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.

8. 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.