



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

October 18, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Guy H. Wilcox, M.D.
9790 Mallory Road
New Hartford, NY 13413

RE: License No.: 131403

Dear Dr. Wilcox:

Enclosed please find Order #BPMC 99-259 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 18, 1999.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Robert F. Julian, Esq.
Julian & Pertz, P.C.
1629 Oneida Street
Utica, NY 13501-4700

Kevin C. Roe, Esq.

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

IN THE MATTER
OF
GUY H. WILCOX, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-259

GUY H. WILCOX, M.D., (Respondent) says:

That on or about July 7, 1977, I was licensed to practice medicine in the State of New York, having been issued license number 131403 by the New York State Education Department.

My current address is 9790 Mallory Road, New Hartford, New York 13413.

I understand that the New York State Board for Professional Medical Conduct has charged me with nineteen specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit A.

I do not contest the nineteenth specification of the Statement of Charges in full satisfaction of the charges against me.

I agree to the following penalty:

My license to practice medicine shall be limited to prohibit supervision by me of physician assistants and I shall be censured and reprimanded.

Respondent shall maintain current registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of his compliance with the terms of this order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

I stipulate that any failure by me to comply with the limitation of my license shall constitute misconduct as defined by New York State Education Law §6530(29). I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted

into evidence in that proceeding.

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

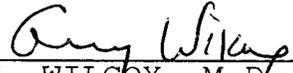
I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict 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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the order, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED: 8-25-99



GUY H. WILCOX, M.D.

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

DATE: 9/10/99


ROBERT F. JULIAN, ESQ.
Attorney for Respondent

DATE: 10/4/99


KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: October 8, 1999


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

NEW YORK STATE

STATE BOARD FOR PROFESSIONAL

DEPARTMENT OF HEALTH

MEDICAL CONDUCT

IN THE MATTER

OF

GUY H. WILCOX, M.D.

CONSENT

ORDER

Upon the proposed agreement of GUY H. WILCOX, M.D., (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED:

10/13/99



WILLIAM P. DILLON, M.D.
Chair
State Board for
Professional Medical
Conduct

physician's assistant.

4. Respondent failed to refer the patient to an appropriate specialist.
5. Respondent failed to hospitalize Patient A and/or refer him to the Emergency Department.

B. Respondent treated Patient B at the Winfield Medical Center in West Winfield, New York from on or about ^{October 1993 GHJ} ~~1992~~ to on or about December 12, 1995. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to order appropriate laboratory testing, including but not limited to a urine cultures and repeat urinalysis.
2. Respondent failed to adequately supervise his physician's assistant.
3. Respondent failed to refer the patient to a gynecologist.
4. Respondent failed to order and/or obtain a repeat PAP smear.

C. Respondent treated Patient C at the Winfield Medical Center in West Winfield, New York, from on or about ^{October 1993 GHJ} ~~1992~~ to on or about October 11, 1995. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care in that:

1. Respondent failed to order serial beta-human chorionic gonadotropin blood tests.
2. Respondent failed to adequately supervise his physician's assistant.
3. Respondent failed to refer the patient to an Ob/Gyn.
4. Respondent failed to prescribe the lowest effective dose of estrogen contraceptives.

D. Respondent treated Patient D at the Winfield Medical Center from on or about ^{Oct 1993} ~~1992~~ to on or about February 8, 1996. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to adequately supervise his physician's assistant.
2. Respondent failed to refer Patient D to an appropriate specialist for a coloscopy in a timely manner.

E. Respondent treated Patient E at the Winfield Medical Center from on or about November 6, 1995 to on or about January 8, 1996. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to order appropriate blood testing,

urinalysis and an EKG.

4. Respondent failed to adequately supervise his physician's assistant.

F. Respondent treated Patient F at the Winfield Medical Center from on or about ^{Oct. 1993} ~~1992~~ ^{OTH} to on or about July 14, 1995. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or record an adequate physical examination.
3. Respondent failed to order cervical cultures and wet mounts.
4. Respondent failed to sufficiently investigate the cause for the patient having two abnormal PAP smears in succession, and otherwise failed to adequately follow up on the abnormal PAP smears.
5. Respondent failed to adequately supervise his physician's assistant.
6. Respondent failed to refer Patient F to an Ob/Gyn.
7. Respondent failed to order HDL and LDL cholesterol testing prior to prescribing oral contraceptives.

G. Respondent treated Patient G at the Winfield Medical Center from on or about ^{Oct. 1993} ~~1992~~ ^{OTH} to on or about February 6, 1996. Respondent's care and treatment of Patient G failed to meet

acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or record an adequate history.
2. Respondent failed to perform and/or record an adequate physical examination.
3. Respondent failed to order a PAP smear and cervical cultures.
4. Respondent failed to adequately supervise his physician's assistant.

SPECIFICATIONS

FIRST THROUGH SEVENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

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

4. The facts in Paragraphs D and D.1 and/or D.2.
5. The facts in Paragraphs E and E.1, E.2, E.3, and/or E.4.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
7. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

EIGHTH THROUGH SIXTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

10. The facts in Paragraphs A and A.1, A.2, A.3, A.4, and/or A.5.
11. The facts in Paragraphs B and B.1, B.2, B.3, and/or B.4.
12. The facts in Paragraphs C and C.1, C.2, C.3, and/or C.4.
13. The facts in Paragraphs D and D.1 and/or D.2.
14. The facts in Paragraphs E and E.1, E.2, E.3, and/or E.4.
15. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, F.6, and/or F.7.
16. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

SEVENTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one

occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

17. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3, B.5; C and C.1, C.2, C.3, C.4; D and D.1, D.2; E and E.1, E.2, E.3, E.4; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; G and G.1, G.2, G.3, G.4.

EIGHTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

18. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5; B and B.1, B.2, B.3, B.5; C and C.1, C.2, C.3, C.4; D and D.1, D.2; E and E.1, E.2, E.3, E.4; F and F.1, F.2, F.3, F.4, F.5, F.6, F.7; G and G.1, G.2, G.3, G.4.

NINETEENTH SPECIFICATION

FAILURE TO SUPERVISE

Respondent is charged with failing to exercise appropriate supervision over persons authorized ^{GAH} to practise only under his supervision in violation of New York Education Law §6530(33) in that, Petitioner charges two or more of the following:

19. The facts in Paragraphs A and A.3; B and B.2; C and C.2; D and D.1; E and E.4; F and F.5; and/or G and G.4.

DATED: *September 17*, 1999
Albany, New York

Peter D. Van Buren

PETER D. VANBUREN
Deputy Counsel
Bureau of Professional
Medical Conduct