



New York State Board for Professional Medical Conduct

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

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 24, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Julie Ann DiCianno, M.D.
Post Office Box 1437
Rodgers, Arkansas 72757

RE: License No. 177675

Dear Dr. DiCianno:

Enclosed please find Order #BPMC 97-326 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,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Valerie B. Donovan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
JULIE ANN DICIANNO, M.D. : BPMC # 97-326

-----X

JULIE ANN DICIANNO, M.D., says:

On or about March 13, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 177675 by the New York State Education Department.

My current address is Post Office Box 1437, Rodgers, Arkansas 72757 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical

Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and one specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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 agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

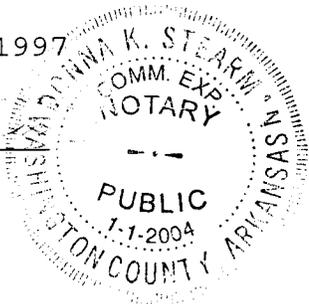
I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Julie Ann Dicianno
JULIE ANN DICIANNO, M.D.
Respondent

Subscribed before me this

15th day of December, 1997

Anna K. Stearns
NOTARY PUBLIC



AGREED TO:

Date: December 16, 1997

Valerie B. Donovan
VALERIE B. DONOVAN
Attorney
Bureau of Professional
Medical Conduct

Date: December 18, 1997

Anne F. Saile
ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of JULIE ANN DICIANNO, M.D., to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

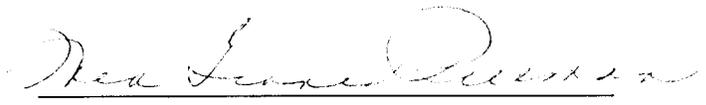
ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

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.

DATED: 12/22/97

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct



BY: THEA GRAVES PELLMAN
Vice-Chair
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
JULIE ANN DICIANNO, M.D. : CHARGES

-----X

JULIE ANN DICIANNO, M.D., the Respondent, was authorized to practice medicine in New York State on March 13, 1989, by the issuance of license number 177675 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. The Arkansas State Medical Board, by Order dated April 4, 1997, determined that Respondent violated the Medical Practices Act in that she: habitually, intemperately or excessively used narcotics or other habit forming drugs in violation of Ark. Code Ann. §§ 17-95-409(a)(2)(H); obtained controlled and scheduled drugs by fraud in violation of Ark. Code Ann. § 17-95-409(a)(2)(E); and exhibited gross negligence and gross incompetence by taking Schedule II narcotics for her own use in violation of Ark. Code Ann. § 17-95-409(a)(2)(G) thereby violating Regulation 2(5) of the Rules and Regulations of the Arkansas State Medical Board.

EXHIBIT A

2. More specifically, the Arkansas Board found that the Respondent violated the Medical Practices Act in that:

- a. Respondent diverted scheduled narcotics for her own use and benefit, for non-medical reasons by committing fraud in the prescribing of demerol and fentanyl for Patient O.O., when, in fact, said medications were not administered or given to Patient O.O., but diverted for Respondent's personal use;
- b. Respondent diverted scheduled narcotics for her own use and benefit, for non-medical reasons by committing fraud in the prescribing of demerol for Patient D.M., listing said medications in the medical records of Patient D.M., when in fact such medications were not administered or given to Patient D.M., but were diverted for Respondent's personal use;
- c. Respondent prescribed and/or administered to herself demerol, a Schedule II narcotic, in violation of Regulation 2(5) of the Rules and Regulations of the Arkansas State Medical Board;
- d. Respondent exhibited habitual and intemperate or excessive use of narcotics or other habit forming drugs, more specifically, fentanyl, demerol, versed and ultram for approximately one year; and
- e. On October 22, 1996, Respondent administered to herself fentanyl and demerol and then proceeded to conduct medical procedures on a patient.

3. The Arkansas Board suspended Respondent's license to practice medicine, the suspension was stayed and Respondent was placed on a five year term of probation under conditions which included, inter alia, the requirements that Respondent enter into and comply with the terms of a five-year contract of monitoring and counselling, refrain from administering anesthesia for a period of one year and pay the cost of the Board's investigation.

4. The conduct underlying the Arkansas Board's finding that Respondent was guilty of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law. § 6530 (2) [practicing the profession fraudulently], §6530(3) [negligence on more than one occasion], §6530(4) [gross negligence on a particular occasion], §6530(7) [practicing the profession while impaired by drugs], and/or § 6530(8) [being a habitual user of narcotics, barbiturates amphetamines or other drugs having similar effects].

SPECIFICATION OF MISCONDUCT

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a 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 that Petitioner charges:

1. The facts in paragraphs 1, 2, 3 and 4.

DATED: *December 16* 1997
Albany, New York

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