

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

April 12, 1990

Manuel Furer, Physician
166 East 93rd Street
New York, N.Y. 10128

Re: License No. 070362

Dear Dr. Furer:

Enclosed please find Commissioner's Order No. 10501. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: Wood & Scher, Esq.
The Harwood Bldg.
Scarsdale, N.Y. 10583

RECEIVED

APR 19 1990

Office of Professional
Medical Conduct

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CALENDAR NO. 10501



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

MANUEL FURER

No. 10501

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

MANUEL FURER, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On January 18, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, William L. Wood, Jr., Esq. Terrence J. Sheehan, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for two years; suspension stayed; two years probation on standard Regent's terms for impaired physicians.

MANUEL FURER (10501)

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was a remand for disposition by violation committee or administrative warning.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was found to be in violation of Article Thirty-three of the Public Health Law by the Commissioner of Health (first specification), as set forth in the statement of charges and the record herein.
3. Respondent was found in violation of a state statute and regulation pursuant to a final determination of an agency having the power to conduct the proceeding and after resolution of the proceeding by stipulation (second specification), which violation resulting in the final determination would constitute professional misconduct under New York Education Law §6509(9) and 8 NYCRR §29.2(a)(3) -- failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient -- as set forth in the statement of charges and the record herein.

MANUEL FURER (10501)

DETERMINATION AS TO GUILT

The charges contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", have been proven by a preponderance of the evidence and respondent is guilty thereof.

RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED

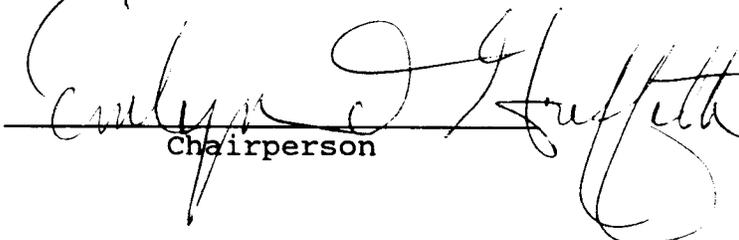
Respondent's license to practice as a physician in the State of New York be suspended for two years upon each specification of the charges of which respondent has been found guilty, said suspensions to run concurrently, that execution of said suspensions be stayed, and respondent be placed on probation for two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated:

2/27/90

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

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IN THE MATTER : STATEMENT
OF : OF
MANUEL FURER, M.D. : CHARGES

-----X

MANUEL FURER, M.D., the Respondent, was authorized to practice medicine in New York State on August 15, 1950 by the issuance of license number 070362 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 116 East 93rd Street, New York, New York 10128.

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(c) (McKinney 1985), by reason of his having been found by the Commissioner of Health to be in violation of Article thirty-three of the Public Health Law in that:

On or about July 7, 1989, the Commissioner of Health found, based on Respondent's admission of guilty as contained in a Stipulation and Order, that Respondent had

failed to maintain a record of controlled substances Respondent administered to himself, in violation of 10 NYCRR 80.105.

Based on this violation the Commissioner imposed a \$1,000 penalty and ordered Respondent to cease dispensing controlled substances to himself.

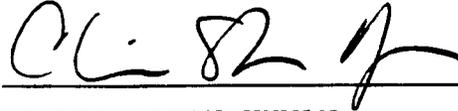
SECOND SPECIFICATION

2. Respondent is charged with professional misconduct within the meaning of N.Y. Pub. Health Law Section 230(10)(m)(iv) (McKinney Supp. 1989) in that he was found in violation of a state or federal statute or regulation pursuant to a final decision or determination of an agency having the power to conduct the proceeding and after an adjudicatory proceeding has been concluded, in which no appeal is pending, or after resolution of the proceeding by stipulation or agreement, which violation resulting in the final decision or determination constitutes professional misconduct pursuant to N.Y. Educ. Law Section 6509 (9) [8 N.Y.C.R.R. 29.2(a)(3)] , specifically:

Petitioner repeats the allegations set forth in the First Specification and further alleges that said violation

constitutes professional misconduct under
N.Y. Educ. Law Section 6509(9) [8 NYCRR
29.2(a)(3)] .

DATED: New York, New York
December 7, 1989



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

MANUEL FURER

CALENDAR NO. 10501

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. Respondent shall remain drug-free;
 - b. Respondent's drug addiction problem shall be monitored, at respondent's expense, by licensed a physician to be selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
 - c. The above-said monitor shall monitor respondent's compliance with the terms of this probation;
 - d. The above-said monitor shall cause to be performed at least bi-monthly random, unannounced drug tests for the presence of drugs in respondent and shall immediately notify the Office of Professional Medical Conduct (OPMC) if a test is refused by respondent or if a test reveals, or the monitor otherwise learns, that respondent is not drug-free;
 - e. The above-said monitor shall submit quarterly reports to OPMC either certifying respondent's compliance, or detailing his failure to comply, with each of the terms of this probation. The reports shall include, among other things, the results of the tests performed pursuant to paragraph d;
 - f. The monitoring physician shall see the respondent at least twice every three months;
 - g. Respondent shall continue attending Narcotics Anonymous and/or other similar peer support meetings at least twice a week;

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- h. Respondent shall be supervised in his medical practice by a supervising physician approved by the Office of Professional Medical Conduct;
- i. The supervising physician shall have the authority to direct respondent's submission to unannounced tests of his blood and/or urine for the presence of drugs and shall immediately notify OPMC if a test is refused by respondent or if a test reveals, or the supervising physician otherwise learns, that respondent is not drug-free;
- j. The supervising physician shall submit to OPMC quarterly reports regarding the quality of respondent's medical practice, any unexplained absences from work and certifying respondent's compliance, or detailing his failure to comply, with each of the terms of probation;
- k. Respondent shall obtain a successor supervising licensed physician, subject to the approval of the Office of Professional Medical Conduct, within seven days of respondent's becoming aware that the original supervising physician will no longer serve as supervising physician;
- l. Respondent shall undertake a retraining program in his specialty and complete such program within the period of probation. Respondent shall submit a proposed training program for review and approval by Office of Professional Medical Conduct within 30 days of the effective date of the order of the Commissioner of Education to be issued herein;
- m. Respondent will continue in treatment with a health care professional or a successor treating health care professional approved by the Office of Professional Medical Conduct, as long as he is on probation. If the treating health care professional deems it appropriate to terminate therapy before the probation period ends, he should so notify OPMC in writing; and
- n. Respondent's treating health care professional shall submit to OPMC quarterly reports certifying respondent's compliance with the treatment. The treating health care professional shall report to OPMC immediately

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any discontinuation by respondent of treatment and shall report any significant pattern of absence from scheduled treatment sessions.

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

MANUEL FURER

CALENDAR NO. 10501



The University of the State of New York

IN THE MATTER

OF

MANUEL FURER
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10501**

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10501, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (March 23, 1990): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of MANUEL FURER, respondent, be accepted; that respondent is guilty of the charges by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be suspended for two years upon each specification of the charges of which respondent has been found guilty, said suspensions to run concurrently; that execution of said suspensions be stayed; that respondent be placed on probation for two years under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of

MANUEL FURER (10501)

Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 30th day of

March, 1990.
Thomas Sobol
Commissioner of Education

