



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 16, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Fritz-Gerard Metellus, M.D.
1011 Dameoke Street
Far Rockaway, NY 11691

RE: License No. 154819

Dear Dr. Metellus:

Enclosed please find Order #BPMC 97-306 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: David Windley, Esq.
224 Atlantic Avenue
Brooklyn, NY 11201

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
FRITZ-GERARD METELLUS, M.D.

SURRENDER
ORDER
BPMC #97-306

Upon the proposed agreement of FRITZ-GERARD METELLUS, M.D. (Respondent) to Surrender 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 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 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: 12/10/97


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

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.

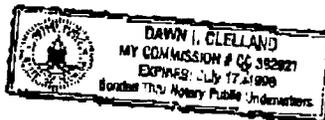
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing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

Fritz Gerard Metelus
FRITZ GERARD METELUS, M.D.
RESPONDENT

Sworn to before me this

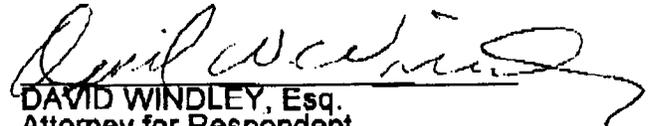
4 day of 12 1997

[Signature]
NOTARY PUBLIC



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

Date: Dec 4, 1997


DAVID WINDLEY, Esq.
Attorney for Respondent

Date: 12/4/97


DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 12/8/97


ANNE F. SAILE
Director
Office of Professional Medical Conduct

**IN THE MATTER
OF
FRITZ-GERARD METELLUS, M.D.**

**STATEMENT
OF
CHARGES**

FRITZ-GERARD METELLUS, M.D., the Respondent, was authorized to practice medicine in New York State on or about 1983, by the issuance of license number 154819 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. By an Order of Emergency Suspension of License dated August 28, 1997, the Secretary of the Florida Department of Health summarily suspended Respondent's license to practice as a physician in the State of Florida. Said suspension was issued in accordance with §120.60(66) of the Florida Statutes (Supp. 1996), which statute empowers the Secretary of the Florida Department of Health to summarily suspend a medical license when the physician's continued practice constitutes an immediate and serious danger to the health, safety and welfare of the public. The Secretary of the Florida Health Department based the decision to summarily suspend Respondent's license on findings that on or about and between May 1, 1997 and August 14, 1997, the Respondent prescribed controlled substances outside the scope of proper professional practice, including but not limited to prescriptions for the controlled substances Percocet, Lorcet, Xanax and Valium. The findings of the Secretary of the Florida Department of Health are subsequently equivalent to a finding of the Commissioner of the New York State Health Department

that a licensee's conduct constitutes an "imminent danger" to the public. The Secretary of the Florida Health Department summarily suspended Respondent's license to practice medicine pending the conclusion of a formal disciplinary proceeding.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law Sections 6530(3)("Negligence on more than one occasion"), 6530(4)("Gross negligence"), 6530(20)("Moral unfitness to practice medicine"), and 6530(16)("A willfull or grossly negligent failure to comply with substantial provisions of a state law")(McKinney Supp. 1997), as alleged in the facts of the following:

1. Paragraph A.

DATED: December , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct