



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 3, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ian Freirich MD
c/o Robert J. Sullivan
Nossaman, Guthner, Knox, & Elliott
915 L Street
Suite 1000
Sacramento, CA 95814-3705

RE: License No.160016

Dear Dr. Freirich:

Enclosed please find Order #BPMC 99-90 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 3, 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: Donald Pogoloff, Esq.
2650 W. Shaw Avenue
Suite 103
Fresno, CA 93711

Kalimah J. Jenkins, Esq.

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

-----X
IN THE MATTER : SURRENDER
OF : ORDER
IAN FREIRICH, M.D. : BPMC # 99-90
:
-----X

IAN FREIRICH, M.D., says:

On or about September 17, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 160016 by the New York State Education Department.

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 cannot successfully defend against the acts of misconduct alleged in the one specification set forth in the Statement of Charges.

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 agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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

Ian Freirich MD 4/17/99
IAN FREIRICH, M.D.

Respondent

Leslie D. Freirich 4-17-99
Leslie D. Freirich
Attorney-in-Fact

AGREED TO:

Date: 4/15/, 1999

Robert Sullivan
ROBERT SULLIVAN, Esq.
Attorney for Respondent

Date: 4/22, 1999

Kalimah Jenkins
KALIMAH JENKINS
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 26, 1999

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

ORDER

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

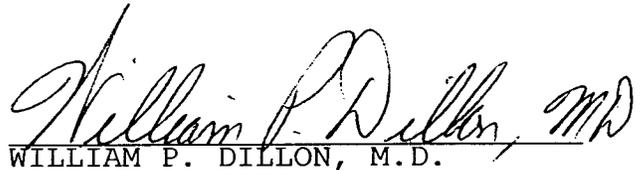
ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

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

DATED: _____

4/28/99



WILLIAM P. DILLON, M.D.

Chair

State Board for Professional
Medical Conduct

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
IAN FREIRICH, M.D. : CHARGES

-----X

IAN FREIRICH, M.D., the Respondent, was authorized to practice medicine in New York State on September 17, 1984 by the issuance of license number 160016 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A from in or around July 8, 1993 through in or around July 15, 1993. Respondent's treatment of Patient A did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient A's symptoms and/or appropriately diagnose Patient A's condition.
2. Respondent failed to appropriately treat Patient A with medication and/or therapy.
3. Respondent placed Patient A on room restriction without indication.
4. Respondent subjected Patient A to an inappropriate treatment plan.

5. Respondent inappropriately discharged Patient A.
6. Respondent failed to implement an appropriate discharge plan for Patient A.
7. Respondent diagnosed Patient A as malingering without indication.

B. Respondent treated Patient A from in or around July 16, 1993 through July 27, 1993. Respondent's treatment of Patient A did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient A's symptoms and/or appropriately diagnose Patient A's condition.
2. Respondent failed to appropriately treat Patient A with medication and/or therapy.
3. Respondent placed Patient A on room restriction without indication.
4. Respondent placed Patient A in sheet restraints without indication.
5. Respondent subjected Patient A to an inappropriate treatment plan.
6. Respondent diagnosed Patient A as malingering and/or having a factitious disorder without indication.
7. Respondent inappropriately discharged Patient A.
8. Respondent failed to implement an appropriate discharge plan for Patient A.

C. Respondent treated Patient B from in or around May 19, 1993 through May 26, 1993. Respondent's treatment of Patient B did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient B's symptoms and/or appropriately diagnose Patient B's condition.
2. Respondent failed to provide an appropriate treatment plan for Patient B.

D. Respondent treated Patient B from in or around July 4, 1993 through in or around July 6, 1993. Respondent's treatment of Patient B did not meet acceptable standards of care in that:

1. Respondent failed to appropriately evaluate Patient B's symptoms and/or appropriately diagnose Patient B's condition.
2. Respondent failed to provide an appropriate treatment plan for Patient B.
3. Respondent placed Patient B on room restriction without indication.
4. Respondent diagnosed Patient B as malingering without indication.
5. Respondent failed to evaluate Patient B's condition when she requested readmission to the hospital.
6. Respondent conditioned Patient B's readmission to the hospital on Patient B's agreement to be placed on room restriction which was not indicated.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE
ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion with the meaning of N.Y. Educ.Law § 6530(3) in that Petitioner charges that the Respondent committed two or more of the following:

1. The facts of paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, C and C.1, C and C.2, D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6.

DATED: _____, 1999
Albany, New York

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