



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

Executive Secretary

Public

December 16, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen J. Blair, D.O.

8 Barber Drive

Rensselaer, NY 12144-4044

RE: License No. 163364

Dear Dr. Blair:

Enclosed please find Modification Order #BPMC 99-204 of the New York State Board for Professional Medical Conduct. The Modification Order has been issued to correct a typographical error on page 4 of the Statement of Charges.

Sincerely,

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Thomas G. Daley, Esq.
Maynard, O'Connor, Smith
80 State Street
Albany, NY 12207

Kevin C. Roe, Esq.

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

IN THE MATTER : APPLICATION TO
OF : MODIFY ORDER
STEPHEN J. BLAIR, D.O. : BPMC #99-204

STEPHEN J. BLAIR, D.O., (Respondent) being duly sworn, deposes and says:

That on or about July 22, 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 163364 by the New York State Education Department.

My current address is 8 Barber Drive, Rensselaer, NY 12144-4044 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am the subject to Order No. BPMC 99-204, annexed hereto, made a part hereof, and marked as Exhibit 1. I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the original order to substitute a corrected Statement of Charges. The substitution of a corrected Statement of Charges is necessary in order to correct a typographical error in the original Statement of Charges. This application is based upon the understanding that this Modification Order will be a revision of the original order and will not constitute a new disciplinary action against me.

Specifically, I request that the Board issue a modification order substituting the

corrected Statement of Charges attached hereto and marked as Exhibit "A."

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

I understand that, in the event that the 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.

I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification order.

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 Board's granting of this application to modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification order.

Date: November 15, 1999


STEPHEN J. BLAIR, D.O.
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order.

Date: December 1
~~November~~, 1999


THOMAS G. DALEY, ESQ.
Attorney for Respondent

Date: 12/8
~~November~~, 1999


KEVIN C. ROE, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: December 8
~~November~~, 1999


ANNE F. SAILE
Director, Office of Professional
Medical Conduct

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

IN THE MATTER : MODIFICATION
OF : ORDER
STEPHEN J. BLAIR, D.O. : BPMC #99-204

Upon the application of STEPHEN J. BLAIR, D.O. , (Respondent) to modify a prior order, which application is made a part hereof, it is agreed to and

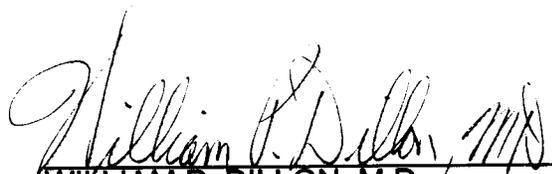
ORDERED, that the application and the provisions thereof are adopted; it is further

ORDERED, that Order BPMC 99-204 is modified insofar as to substitute the corrected Statement of Charges; 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

Date: DECEMBER 14
November, 1999


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

approved by the Director of OPMC. My license shall be suspended for three years with said suspension stayed, except for forty five days of active suspension which shall begin ninety days after the effective date of the order issued herein, to become a three year period of probation under the terms and conditions attached hereto, made part hereof, and marked as Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, 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. This condition shall be in effect beginning thirty days after the effective date of this order and will continue while the licensee possesses his/her license; and

That Respondent shall 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 Respondent's 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. This condition shall be in effect beginning upon the effective date of the order and will continue while the licensee possesses his/her license.

I stipulate that any failure by me to comply with such conditions 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. Denial of this application 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 the 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 for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

DATED 7-29-99.

Stephen J. Blair D.O.

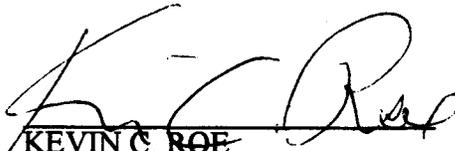
STEPHEN J. BLAIR, D.O.
RESPONDENT

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

DATE: 7/29/99


THOMAS G. DALEY, ESQ.
Attorney for Respondent

DATE: 8/4/99


KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: Aug 6, 1999


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
STEPHEN J. BLAIR, D.O.

CONSENT
ORDER

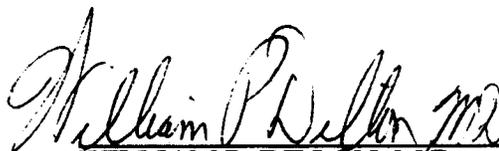
Upon the proposed agreement of **STEPHEN J. BLAIR, D.O.** for Consent Order, which application is made a part hereof, it is agreed to and

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: 8/10/99



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 : CORRECTED
OF : STATEMENT
STEPHEN BLAIR, D.O. : OF
: CHARGES
-----X

STEPHEN BLAIR, D.O., Respondent, was authorized to practice medicine in New York State on July 22, 1985 by the issuance of license number 163364 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A from on or about November 7, 1997, to on or about November 18, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

B. Respondent treated Patient B from on or about February 23, 1998, to on or about December 3, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

C. Respondent treated Patient C from on or about February 18, 1998, to on or about June 23, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

D. Respondent treated Patient D from on or about January 13, 1998, to on or about April 22, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

E. Respondent treated Patient E from on or about April 22, 1998, to on or about November 23, 1998, at 1694 Central Avenue, Albany, New York 12205. 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 document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

F. Respondent treated Patient F from on or about

February 23, 1998, to on or about March 6, 1998, at 1694 Central Avenue, Albany, New York 12205. 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 document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

G. Respondent treated Patient G from on or about October 26, 1998, to on or about November 24, 1998, at 1694 Central Avenue, Albany, New York 12205. 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 document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate, revise the treatment plan or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

H. Respondent treated Patient H from on or about July 20, 1998 to on or about October 28, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment

of Patient H failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

I. Respondent treated Patient I from on or about October 28, 1998, to on or about November 24, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient I failed to meet acceptable standards of medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

J. Respondent treated Patient J from on or about September 23, 1998, to on or about October 9, 1998, at 1694 Central Avenue, Albany, New York 12205. Respondent's care and treatment of Patient J failed to meet acceptable standards of

medical care, in that:

1. Respondent failed to obtain and/or document an adequate history.
2. Respondent failed to perform and/or document an adequate physical examination.
3. Respondent failed to re-evaluate the patient, revise the treatment plan, or refer the patient for another opinion.
4. Respondent ordered and/or allowed numerous unnecessary treatments.
5. Respondent knowingly allowed Colonie Comprehensive Health Services to falsely submit bills for medical treatment that was not rendered.

SPECIFICATIONS

FIRST THROUGH TENTH 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, B.4, and/or B.5.
3. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
4. The facts in Paragraphs D and D.1, D.2, D.3, D.4, and/or D.5.
5. The facts in Paragraphs E and E.1, E.2, E.3, E.4, and/or E.5.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, and/or F.5.
7. The facts in Paragraphs G and G.1, G.2, G.3, G.4, and/or G.5.
8. The facts in Paragraphs H and H.1, H.2, H.3, H.4, and/or H.5.
9. The facts in Paragraphs I and I.1, I.2, I.3, I.4, and/or I.5.
10. The facts in Paragraphs J and J.1, J.2, J.3, J.4, and/or J.5.

ELEVENTH THROUGH TWENTIETH SPECIFICATIONS

GROSS INCOMPETENCE

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

11. The facts in Paragraphs A and A.1, A.2, A.3, A.4., and/or A.5.
12. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.
13. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
14. The facts in Paragraphs D and D.1, D.2, D.3, D.4, and/or D.5.
15. The facts in Paragraphs E and E.1, E.2, E.3, E.4, and/or E.5.
16. The facts in Paragraphs F and F.1, F.2, F.3, F.4, and/or F.5.
17. The facts in Paragraphs G and G.1, G.2, G.3, G.4, and/or G.5.
18. The facts in Paragraphs H and H.1, H.2, H.3, H.4, and/or H.5.
19. The facts in Paragraphs I and I.1, I.2, I.3, I.4, and/or I.5.
20. The facts in Paragraphs J and J.1, J.2, J.3, J.4, and/or J.5.

TWENTY-FIRST 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:

21. 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.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3, D.4, D.5; E and E.1, E.2, E.3, E.4, E.5; F and F.1, F.2, F.3, F.4, F.5; G and G.1, G.2, G.3, G.4, G.5; H and H.1, H.2, H.3, H.4, H.5; I and I.1, I.2, I.3, I.4, I.5; and/or J and J.1, J.2, J.3, J.4, J.5.

TWENTY-SECOND 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:

22. 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.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3, D.4, D.5; E and E.1, E.2, E.3, E.4, E.5; F and F.1, F.2, F.3, F.4, F.5; G and G.1, G.2, G.3, G.4, G.5; H and H.1, H.2, H.3, H.4, H.5; I and I.1, I.2, I.3, I.4, I.5; and/or J and J.1, J.2, J.3, J.4, J.5.

TWENTY-THIRD THROUGH THIRTY SECONDSPECIFICATIONS

EXCESSIVE TESTS OR TREATMENT

Respondent is charged with ordering excessive tests or treatment not warranted by the condition of the patient in violation of N.Y. Education Law §6530(35) in that, Petitioner charges:

23. The facts in Paragraphs A and A.4.
24. The facts in Paragraphs B and B.4.
25. The facts in Paragraphs C and C.4.

26. The facts in Paragraphs D and D.4.
27. The facts in Paragraphs E and E.4.
28. The facts in Paragraphs F and F.4.
29. The facts in Paragraphs G and G.4.
30. The facts in Paragraphs H and H.4.
31. The facts in Paragraphs I and I.4.
32. The facts in Paragraphs J and J.4.

THIRTY-THIRD THROUGH FIFTY-SECOND SPECIFICATIONS

FRAUD

Respondent is charged with practicing the profession fraudulently in violation of New York Education Law §6530(2) in that, Petitioner charges:

33. The facts in Paragraphs A and A.4.
34. The facts in Paragraphs B and B.4.
35. The facts in Paragraphs C and C.4.
36. The facts in Paragraphs D and D.4.
37. The facts in Paragraphs E and E.4.
38. The facts in Paragraphs F and F.4.
39. The facts in Paragraphs G and G.4.
40. The facts in Paragraphs H and H.4.
41. The facts in Paragraphs I and I.4.
42. The facts in Paragraphs J and J.4.
43. The facts in Paragraphs A and A.5.
44. The facts in Paragraphs B and B.5.
45. The facts in Paragraphs B and C.5.

46. The facts in Paragraphs D and D.5.
47. The facts in Paragraphs E and E.5.
48. The facts in Paragraphs F and F.5.
49. The facts in Paragraphs G and G.5.
50. The facts in Paragraphs H and H.5.
51. The facts in Paragraphs I and I.5.
52. The facts in Paragraphs J and J.5.

FIFTY-THIRD THROUGH SEVENTY-SECOND SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20) in that, Petitioner charges:

The allegations of the thirty-third through fifty-second specifications are repeated as if fully set forth herein.

SEVENTY-THIRD THROUGH EIGHTY-SECONDSPECIFICATIONS

Permitting Unlicensed Practice

Respondent is charged with permitting, aiding, or abetting an unlicensed person to perform activities requiring a licence in violation of New York Education Law §6530(11) in that, Petitioner charges:

73. The facts in Paragraphs A and A.4.

74. The facts in Paragraphs B and B.4.
75. The facts in Paragraphs C and C.4.
76. The facts in Paragraphs D and D.4.
77. The facts in Paragraphs E and E.4.
78. The facts in Paragraphs F and F.4.
79. The facts in Paragraphs G and G.4.
80. The facts in Paragraphs H and H.4.
81. The facts in Paragraphs I and I.4.
82. The facts in Paragraphs J and J.4.

EIGHTY-THIRD THROUGH NINETY-SECOND SPECIFICATIONS

Improper Delegation of Duties

Respondent is charged with delegating professional responsibilities to a person when he knew or should have known that such person was not qualified, by training, by experience, or by licensure, to perform in violation of New York Education Law §6530(25) in that, Petitioner charges:

83. The facts in Paragraphs A and A.4.
84. The facts in Paragraphs B and B.4.
85. The facts in Paragraphs C and C.4.
86. The facts in Paragraphs D and D.4.
87. The facts in Paragraphs E and E.4.
88. The facts in Paragraphs F and F.4.
89. The facts in Paragraphs G and G.4.
90. The facts in Paragraphs H and H.4.
91. The facts in Paragraphs I and I.4.
92. The facts in Paragraphs J and J.4.

DATED: , 1999
Albany, New York

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